



Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Ninth Meeting Day

Thursday Afternoon

January 24, 2008

The Senate convened at 2:09 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Jeffery A. Drozda.

The Pledge of Allegiance to the Flag was led by Senator Drozda.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Brodén	Mrvan
Charbonneau	Nugent
Deig	Paul
Delph	Riegsecker
Dillon	Rogers
Drozda	Simpson
Errington	Sipes
Ford <input checked="" type="checkbox"/>	Skinner
Gard	Smith
Hershman	Steele
Howard <input checked="" type="checkbox"/>	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 34: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE SENATE COMMITTEE ON ETHICS

SENATE MOTION

Madam President: I move that Pursuant to Senate Rule 94, the Senate Committee on Ethics met on January 23, 2008, to render an advisory opinion with regard to the question raised by Senator Lubbers about her participation in the upcoming votes on Senate Bill 223 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Lubbers and hereby recommends that Senator Lubbers be excused from participation in all votes pertaining to Senate Bill 223 because of her potential conflict of interest with regard to the legislation. The vote of the Committee was 5-0.

DILLON, Chair

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and benefits.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-8.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) **The individual elected as treasurer of state shall take office on January 1 following the individual's election.**

(b) The treasurer of state and his the treasurer's deputy treasurers shall each give bond in an amount determined by the auditor of state and the governor. The bond shall be conditioned on the faithful performance of the duties as treasurer of state and deputy treasurer, respectively. The bond must be procured from a surety company authorized by law to transact business in this state.

SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.2-2007, SECTION 84, AS AMENDED BY P.L.132-2007, SECTION 4, AND AS AMENDED BY P.L.227-2007, SECTION 56, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.

(12) A state ~~university, college, or junior college~~ *educational institution* police officer appointed under ~~IC 20-12-3-5~~ *IC 21-39-4*.

(13) A police officer whose employer purchases coverage under section 4.5 of this chapter.

(14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

(15) A firefighter who is employed by the fire department of a state university.

(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.

(17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(18) A gaming agent of the Indiana gaming commission.

(19) A person who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) appointed as a special deputy under IC 36-8-10-10.6.

(20) *A gaming control officer of the Indiana gaming commission.*

(21) An eligible chaplain who meets the requirements of section 4.7 of this chapter.

SECTION 3. IC 5-10-10-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.7. (a) As used in this section, "eligible chaplain" means an individual who is appointed or officially designated to serve, with or without compensation, as a chaplain of any of the following:**

(1) A law enforcement agency (as defined in IC 4-33-2-11.6).

(2) A full-time police department of a political subdivision (as defined in IC 36-1-2-13).

(3) A full-time fire department of a political subdivision (as defined in IC 36-1-2-13).

(4) A volunteer fire department (as defined in IC 36-8-12-2).

(5) A sheriff's department of a county.

(b) An eligible chaplain who dies as a direct result of personal injury or illness resulting from the eligible chaplain's performance of duties as a chaplain for the agency or department that the eligible chaplain was appointed or officially designated to serve is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund.

SECTION 4. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.**

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under

IC 5-10.3-7-2(1), "vested status" means the status of having:

(1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;

(2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or

(3) at least ten (10) years of creditable service as a member of the fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as auditor of state, secretary of state, or treasurer of state, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual is vested for purposes of this article if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015."

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 10. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.9. (a) This section applies only to a member of the public employees' retirement fund:**

(1) who has served as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and

(2) whose term of office as a state officer commenced after the election held on November 5, 2002.

(b) A member is eligible for normal retirement after becoming sixty-five (65) years of age if the member:

(1) has:

(A) served for at least eight (8) years as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; or

(B) been elected at least two (2) times and would have served at least eight (8) years as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies if the member's term of office had not been shortened under a statute enacted to establish uniform dates for beginning the terms of the state officers to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and

(2) is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.

(c) A member who:

(1) has served as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and

(2) does not meet the requirements of subsection (b); is eligible for normal retirement if the member has attained vested status (as defined in IC 5-10.2-1-8(a)) and meets the requirements of section 1 of this chapter."

Page 9, after line 38, begin a new paragraph and insert:

"SECTION 14. IC 5-13-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), investments under this chapter may be made only in securities having a stated final maturity of two (2) years or less from the date of purchase.

(b) The treasurer of state may make investments in securities having a final maturity or redemption date that is more than two (2) years and not more than five (5) years after the date of purchase or subscription. After an investment is made under this subsection, the total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the treasurer of state. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the treasurer of state causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%). The treasurer of state may contract with federally regulated investment advisers and other institutional money managers to make investments under this section. ~~This subsection expires July 1, 2007.~~

(c) Unless prohibited under federal law, the treasurer of state shall invest under subsection (b) the funds of the transportation corridor fund established by IC 8-4.5-3-7. The treasurer of state may invest other funds held by the state in compliance with subsection (b). ~~This subsection expires July 1, 2007.~~

SECTION 15. [EFFECTIVE UPON PASSAGE] Actions taken after June 30, 2007, and before the passage of this act that would have been valid under IC 5-13-10.5-3, as amended by this act, are legalized and validated.

SECTION 16. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 72 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 5 with "[EFFECTIVE OCTOBER 1, 2009]".

Replace the effective date in SECTION 8 with "[EFFECTIVE OCTOBER 1, 2009]".

Page 2, line 32, delete "police".

Page 2, line 33, delete "employees" and insert "law enforcement officers".

Page 2, line 36, delete "police employees" and insert "law enforcement officers".

Page 2, line 38, delete "police employee" and insert "law enforcement officer".

Page 2, line 41, delete "police employee's" and insert "law enforcement officer's".

Page 3, delete lines 3 through 42.

Page 4, delete lines 1 through 18.

Page 4, line 23, after "1." insert **"(a) This chapter applies only to an employee that an employer hires after September 30, 2009.**

(b)".

Page 4, line 23, after "to" insert **"the following:**

(1)".

Page 4, line 23, delete "a" and insert "A".

Page 4, between lines 25 and 26, begin a new line block indented and insert:

"(2) A hospital licensed under IC 16-21.

(3) A county hospital organized under IC 16-22.

(4) A municipal hospital organized under IC 16-23.

(5) A nonprofit corporation.

(6) A person who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical services vehicle (as defined in IC 16-31-3-0.5)."

Page 4, line 32, after "individual" insert **"who:**

(1) works or is hired to work for at least one thousand five hundred (1,500) hours during a twelve (12) month period;

(2) performs employment services for an employer; and

(3) is an individual from whom the employer is required to withhold wages under IC 6-3-4-8 or is an employee described in IC 6-3-4-8(l)."

Page 4, delete line 33.

Page 4, between lines 41 and 42, begin a new paragraph and insert:

"Sec. 5. As used in this chapter, "knowingly" has the meaning set forth in IC 35-41-2-2."

Page 4, line 42, delete "5." and insert "6."

Page 5, line 8, delete "6." and insert "7."

Page 5, line 11, delete "7." and insert "8."

Page 5, line 15, delete "8." and insert "9."

Page 5, line 17, delete "9. A person" and insert **"10. An employer"**.

Page 5, line 19, delete "10. (a) The" and insert **"11. (a) Subject to the availability of funds, the"**.

Page 5, line 19, delete "shall" and insert **"may"**.

Page 5, line 21, delete "9" and insert **"10"**.

Page 5, between lines 26 and 27, begin a new paragraph and insert:

"(c) A complaint filed with the attorney general under subsection (a) must be:

(1) in writing; and

(2) signed by the individual filing the complaint."

Page 5, line 27, delete "11." and insert **"12."**

Page 5, line 30, delete "12." and insert **"13."**

Page 5, line 38, delete "13. (a) If a prosecuting attorney receives notification from" and insert **"14. (a) The prosecuting attorney may bring an action for a violation of section 10 of this chapter against an employer in the county where the unauthorized alien employee is employed."**

Page 5, delete lines 39 through 42.

Page 6, line 7, delete "9" and insert **"10"**.

Page 6, line 11, delete "14." and insert **"15."**

Page 6, line 11, delete "13" and insert **"14"**.

Page 6, line 12, delete "shall" and insert **"may"**.

Page 6, line 15, delete "15." and insert **"16."**

Page 6, line 15, delete "section 17" and insert **"sections 18 and 19"**.

Page 6, line 16, delete "a person" and insert **"an employer"**.

Page 6, line 17, delete "9" and insert **"10"**.

Page 6, line 19, delete "shall" and insert **"may"**.

Page 6, line 37, delete "16(a)" and insert **"17(a)"**.

Page 6, line 39, delete "shall" and insert **"may"**.

Page 7, line 11, delete "16." and insert **"17."**

Page 7, line 20, delete "15(a)(1)(C)" and insert **"16(a)(1)(C)"**.

Page 7, line 22, delete "shall" and insert **"may"**.

Page 7, line 24, delete "must" and insert **"may"**.

Page 7, line 26, delete "15(a)(1)(C)" and insert **"16(a)(1)(C)"**.

Page 7, line 28, delete "15(a)(1)(C)" and insert **"16(a)(1)(C)"**.

Page 7, line 29, delete "shall" and insert **"may"**.

Page 7, between lines 30 and 31, begin a new paragraph and insert:

"Sec. 18. If:

(1) a court determines that an employer knowingly employed an unauthorized alien in a second violation of section 10 of this chapter; and

(2) the violation referred to in subdivision (1) occurred not later than ten (10) years after the date of the initial violation;

the court may order the appropriate agencies to suspend, for not more than ten (10) business days, all licenses described in section 17(a) of this chapter that are held by the employer."

Page 7, line 31, delete "17." and insert **"19."**

Page 7, line 32, delete "a person" and insert **"an employer"**.

Page 7, line 33, delete "second or subsequent" and insert **"third"**.

Page 7, line 34, delete "9" and insert **"10"**.

Page 7, line 35, delete "during" and insert **"not later than ten (10) years after the date of the initial violation;"**.

Page 7, delete lines 36 through 37.

Page 7, line 38, delete "shall" and insert **"may"**.

Page 7, line 40, delete "16(a)" and insert **"17(a)"**.

Page 7, line 41, delete "18." and insert **"20."**

Page 7, line 42, delete "15(a)(2) or 16(b)" and insert **"16(a)(2), 17(b), or 18"**.

Page 8, line 2, delete "16(a)" and insert **"17(a)"**.

Page 8, line 4, delete "17" and insert **"19"**.

Page 8, line 6, delete "16(a)" and insert **"17(a)"**.

Page 8, line 8, delete "19." and insert **"21."**

Page 8, line 9, delete "15, 16, and 17" and insert **"16, 17, 18, and 19"**.

Page 8, line 10, delete "20." and insert **"22."**

Page 8, line 22, delete "21. There is a rebuttable presumption that an employer did" and insert **"23. A prosecuting attorney may not file an action against an employer under section 13 of this chapter for knowingly employing an unauthorized alien if the employer verified the employment authorization of the employed individual through the pilot program."**

Page 8, delete lines 23 through 25.

Page 8, line 26, delete "22." and insert **"24."**

Page 8, line 27, delete "9" and insert **"10"**.

Page 8, line 30, delete "23." and insert **"25."**

Page 8, line 31, delete "19" and insert **"21"**.

Page 8, line 38, delete "24." and insert **"26."**

Page 8, line 41, delete "25. After December 31, 2008," and insert **"27. After September 30, 2009,"**

Page 9, line 2, delete "26." and insert **"28."**

Page 9, line 3, delete "10" and insert **"11"**.

Page 9, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 29. The suspension or revocation of a license under this chapter does not relieve an employer from an obligation to withhold, collect, or pay income tax on wages paid by the employer to an employee."

Page 11, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 7. IC 34-30-2-87.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 87.3. IC 22-5-1.5-22 (Concerning certain employers that employ unauthorized aliens)."

Page 11, between lines 10 and 11, begin a new paragraph and insert:

"Sec. 1. This chapter does not apply to the following:

(1) A church or religious organization.

(2) The provision of assistance for health care items and services that are necessary for the treatment of an emergency medical condition of an individual.

(3) A health care provider (as defined in IC 16-18-2-163(a)) that is providing health care services.

(4) An attorney or other person that is providing legal services.

(5) A person who:

(A) is a spouse of an alien or who stands in relation of parent or child to an alien; and

(B) would otherwise commit an offense under this chapter with respect to the alien."

Page 11, line 11, delete "1." and insert **"2."**

Page 11, line 13, delete "2." and insert **"3."**

Page 11, line 17, delete "3." and insert **"4."**

Page 11, line 17, delete "5" and insert **"6"**.

Page 11, line 21, after "an alien" insert **", for the purpose of commercial advantage or private financial gain,"**

Page 11, line 25, delete "4." and insert **"5."**

Page 11, line 25, delete "5" and insert **"6"**.

Page 11, line 31, after "transportation," insert **"for the purpose of commercial advantage or private financial gain,"**

Page 11, line 35, delete "5." and insert **"6."**

Page 11, line 36, delete "3 or 4" and insert **"4 or 5"**.

Page 11, line 37, delete "3" and insert "4".
 Page 11, line 38, delete "4" and insert "5".
 Page 11, line 38, after "chapter;" insert "or".
 Page 11, line 39, delete "aliens; or" and insert "aliens."
 Page 11, delete lines 40 through 41.
 Page 12, line 2, delete "6." and insert "7".
 Page 12, line 7, delete "IC 22-5-1.5-13," and insert "IC 22-5-1.5-14,".
 Page 12, line 8, delete "IC 22-5-1.5-9," and insert "IC 22-5-1.5-10,".
 Page 12, line 9, delete "December 31, 2008." and insert "September 30, 2009.".
 Page 12, line 10, delete "IC 35-44-5-3" and insert "IC 35-44-5-4".
 Page 12, line 11, delete "IC 35-44-5-4," and insert "IC 35-44-5-5,".
 Page 12, after line 12, begin a new paragraph and insert:
 "SECTION 11. [EFFECTIVE JULY 1, 2008] **(a) The attorney general may request funding to implement IC 22-5-1.5-11, as added by this act, in the next biennial budget submission.**
(b) This SECTION expires July 1, 2012."
 Renumber all SECTIONS consecutively.
 (Reference is to SB 335 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 10, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 15-9-5-7, AS ADDED BY P.L.182-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **Subject to subsection (c)**, the department may award a grant under this chapter to a person that:

(1) makes a qualified investment; and

(2) places the qualified investment in service;
 in Indiana for the dispensing of E85 base fuel into the fuel tanks of motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the state department of ~~agriculture's~~ **agriculture** and the office of energy and defense development.

(c) The department may not award more than one (1) grant under this chapter for a location."

Page 1, line 4, strike "agriculture's" and insert "agriculture and the".

Page 1, line 6, after "chapter" insert "for a location".

Page 1, line 8, delete "." and insert "for the location.".

Page 1, line 9, after "(\$20,000)" insert ".".

Page 1, line 9, strike "for all".

Page 1, strike line 10.

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"(c) The amount of a grant awarded under this chapter for a location may be less than the amount of the person's qualified investment for the location."

Renumber all SECTIONS consecutively.

(Reference is to SB 360 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 263, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 133, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. IC 5-10.3-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. Assignment of Benefits. A member or a beneficiary may not assign any payment except for:

(1) premiums on a life, hospitalization, surgical, or medical group insurance plan maintained in whole or in part by:

(A) a state agency; or

(B) **any association that proves to the board's satisfaction that the association has as members at least twenty percent (20%) of the number of the retired members of the fund; and**

(2) dues to any association which proves to the board's satisfaction that the association has as members at least twenty percent (20%) of the number of the retired members of the fund."

Renumber all SECTIONS consecutively.

(Reference is to SB 133 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 11, Nays 1.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 315, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 1, delete lines 1 through 17.
- Delete page 2.
- Page 3, delete lines 1 through 5.
- Page 3, line 8, reset in roman "(a) This subsection does not apply after".
- Page 3, line 9, after "2008." insert "**December 30, 2008.**".
- Page 3, line 11, reset in roman "nursing".
- Page 3, line 11, delete "health".
- Page 3, line 12, reset in roman "nursing facility preadmission".
- Page 3, line 12, delete "long term".
- Page 3, line 13, delete "care screening and counseling".
- Page 3, line 16, reset in roman "nursing".
- Page 3, line 16, delete "health".
- Page 3, line 19, reset in roman "(b) This subsection applies beginning".
- Page 3, line 19, after "2008." insert "**December 31, 2008.**".
- Page 3, line 19, reset in roman "If an individual:".
- Page 3, reset in roman lines 20 through 25.
- Page 3, line 26, reset in roman "(c) The office".
- Page 3, line 26, after "may" insert "**shall**".
- Page 3, line 26, reset in roman "adopt rules under IC 4-22-2 to implement".
- Page 3, line 26, after "implement" insert ":
(1)".
- Page 3, line 27, reset in roman "subsection (b)".
- Page 3, line 27, after "(b)" delete "." and insert "; and
(2) a screening and counseling program for individuals seeking long term care services.".
- Page 3, delete lines 29 through 42.
- Delete page 4.
- Page 5, delete lines 1 through 32.
- Page 5, line 34, delete "and".
- Page 5, line 35, delete "counseling".
- Page 5, line 35, reset in roman "a nursing facility preadmission".
- Page 5, line 36, reset in roman "screening".
- Page 5, line 36, delete "the long term care screening and counseling".
- Page 5, line 37, reset in roman "The".
- Page 5, reset in roman lines 38 through 42.
- Page 6, reset in roman lines 1 through 2.
- Page 6, line 6, delete "and counseling".
- Page 6, line 7, delete "and counseling".
- Page 6, line 7, delete "division, or" and insert "**division or**".
- Page 6, line 8, delete ", or the agency".
- Page 6, line 8, reset in roman "prescreening".

Page 6, delete lines 14 through 42.
Delete pages 7 through 11.
Renumber all SECTIONS consecutively.
(Reference is to SB 315 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 267, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 18, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) This SECTION applies only to an individual that in 2008 paid property taxes that:

- (1) were imposed on the individual's principal place of residence for the March 1, 2006, assessment date or the January 15, 2007, assessment date;
- (2) are due after December 31, 2007; and
- (3) are paid on or before the due date for the property taxes.

(b) As used in this SECTION, "adjusted gross income" has the meaning set forth in IC 6-3-1-3.5.

(c) An individual described in subsection (a) is entitled to a deduction from adjusted gross income for a taxable year beginning after December 31, 2007, and before January 1, 2009, in an amount equal to the amount determined in the following STEPS:

STEP ONE: Determine the lesser of:

- (1) two thousand five hundred dollars (\$2,500); or
- (2) the total amount of property taxes imposed on the individual's principal place of residence for the March 1, 2006, assessment date or the January 15, 2007, assessment date and paid in 2007 or 2008.

STEP TWO: Determine the greater of zero (0) or the result of:

- (1) the STEP ONE result; minus
- (2) the total amount of property taxes that:
 - (A) were imposed on the individual's principal place of residence for the March 1, 2006, assessment date or the January 15, 2007, assessment date;
 - (B) were paid in 2007; and
 - (C) were deducted from adjusted gross income under IC 6-3-1-3.5(a)(17) by the individual on the individual's state income tax return for a taxable year beginning before January 1, 2008.

(d) The deduction under this SECTION is in addition to any deduction that an individual is otherwise entitled to claim under IC 6-3-1-3.5(a)(17). However, an individual may not deduct under IC 6-3-1-3.5(a)(17) any property taxes deducted under this SECTION."

Page 2, delete lines 1 through 11.
 Renumber all SECTIONS consecutively.
 (Reference is to SB 267 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 12, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 331, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 195, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.
 Page 2, delete lines 1 through 20.
 Renumber all SECTIONS consecutively.
 (Reference is to SB 195 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 297, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 5, delete "and before March 1 of" and insert ".".
 Page 5, delete line 6.
 (Reference is to SB 297 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 330, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Joint Resolution 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
 Committee Vote: Yeas 5, Nays 4.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 281, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 188, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 312, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 10. IC 36-2-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. ~~(a) The seven~~ ~~(7) member~~ county council elected under this chapter is the county fiscal body **and the county legislative body as provided in IC 36-2-3.7.** The fiscal body shall act in the name of "The _____ County Council".

~~(b) Notwithstanding subsection (a), in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the county council has nine (9) members.~~

SECTION 11. IC 36-2-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The ~~fiscal body~~ **county council** shall be elected under IC 3-10-2-13. Except in a county having only single member districts, members elected from districts and at large members, respectively, ~~are to~~ **shall** be elected in alternate, succeeding general elections under ~~section 4 of~~ this chapter. In a county having only single member districts, the terms of the members are staggered as was provided by law before September 1, 1980.

(b) The term of office of a member of the ~~fiscal body~~ **county council** is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 12. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of the four (4) districts. ~~Three (3)~~ **Five (5)** at-large members of the ~~fiscal body~~ **county council** shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The ~~fiscal body~~ **county council** shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

SECTION 13. IC 36-2-3-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) Whenever the county executive or the county fiscal body divides the county into districts under section 4 of this chapter, the county executive or the county ~~fiscal body~~ **council** shall adopt an ordinance.

(b) The county executive or the county ~~fiscal body~~ **council** shall file a copy of an ordinance adopted under subsection (a)

with the circuit court clerk.

SECTION 14. IC 36-2-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) To be eligible to serve as a member of the ~~fiscal body~~ **county council**, a person must meet the qualifications prescribed by IC 3-8-1-22.

(b) A member of the ~~fiscal body~~ **county council** must reside within:

- (1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and
- (2) the district from which the member was elected, if applicable.

(c) A member who fails to comply with subsection (b) forfeits the office.

SECTION 15. IC 36-2-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) At its regular meeting required by section 7(b)(1) of this chapter, the ~~fiscal body~~ **county council** shall elect a president and president pro tempore from its members.

(b) The county auditor is the clerk of the ~~fiscal body~~ **county council** and shall:

- (1) preserve the ~~fiscal body's~~ **county council's** records in ~~his the county auditor's~~ office;
- (2) keep an accurate record of the ~~fiscal body's~~ **county council's** proceedings;
- (3) record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy; and
- (4) record the ayes and nays on other votes when requested to do so by two (2) or more members.

(c) The county sheriff or a county police officer shall attend the meetings of the ~~fiscal body~~ **county council**, if requested by the ~~fiscal body~~ **county council**, and shall execute its orders.

(d) The ~~fiscal body~~ **county council** may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties.

SECTION 16. IC 36-2-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The ~~fiscal body~~ **county council** shall hold its meetings in the county seat, in the county auditor's office, or in another location provided by the county executive and approved by the ~~fiscal body~~ **county council**.

(b) The ~~fiscal body~~ **county council**:

- (1) shall hold a regular meeting in January after its election, for the purpose of organization and other business;
- (2) shall hold a regular meeting annually, as prescribed by IC 6-1.1-17, to adopt the county's annual budget and tax rate;
- (3) may hold a special meeting under subsection (c) or (d); and
- (4) in the case of a county subject to IC 36-2-3.5 **before January 1, 2011**, shall hold meetings at a regularly scheduled time each month that does not conflict with the meetings of the county executive.

(c) A special meeting of the ~~fiscal body~~ **county council** may be called:

- (1) by the county auditor or the president of the ~~fiscal body~~ **county council**; or
- (2) by a majority of the members of the ~~fiscal body~~ **county council**.

At least forty-eight (48) hours before the meeting, the auditor, president, or members calling the meeting shall give written notice of the meeting to each member of the ~~fiscal body~~ **county council** and publish, at least one (1) day before the meeting, the notice in accordance with IC 5-3-1-4. This subsection does not apply to a meeting called to deal with an emergency under IC 5-14-1.5-5.

(d) If a court orders the county auditor to make an expenditure of county money for a purpose for which an appropriation has not been made, the auditor shall immediately call an emergency meeting of the ~~fiscal body~~ **county council** to discuss the matter. Notwithstanding subsection (c), the meeting must be held within three (3) working days of the receipt of the order by the auditor, and notice of the meeting day, time, and ~~places~~ **place** is sufficient if:

- (1) given by telephone to the members of the ~~fiscal body~~ **county council**; and
- (2) given according to IC 5-14-1.5.

SECTION 17. IC 36-2-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. A member of the ~~fiscal body~~ **county council** who purchases a bond, order, claim, or demand against the county for less than its face value shall forfeit it to the county and may not enforce it by legal action.

SECTION 18. IC 36-2-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The ~~fiscal body~~ **county council** may:

- (1) expel any member for violation of an official duty;
- (2) declare the seat of any member vacant if ~~he~~ **the member** is unable or fails to perform the duties of ~~his~~ **the** office; and
- (3) adopt its own rules to govern proceedings under this section, but a two-thirds (2/3) vote is required to expel a member or vacate ~~his~~ **the member's** seat.

SECTION 19. IC 36-2-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) The ~~fiscal body~~ **county council** may employ and fix the compensation of an attorney to represent and advise the ~~fiscal body~~ **county council**.

(b) For the purposes of Section 9, Article 2 of the Constitution of the State of Indiana, employment by a county ~~fiscal body~~ **council** as an attorney does not constitute a lucrative office."

Page 11, delete lines 38 through 42.

Delete page 12.

Page 13, delete lines 1 through 38.

Page 14, after line 28, begin a new paragraph and insert:

"SECTION 31. [EFFECTIVE JULY 1, 2008] (a) **Except as provided in subsection (b), this SECTION applies to a county.**

(b) **This SECTION does not apply to the following counties:**

- (1) **A county that has a consolidated city.**
- (2) **A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**
- (3) **A county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).**

(c) **Notwithstanding any other provision, in a county subject to this SECTION the two (2) at large members of the county council added under IC 36-2-3-4, as amended by this act, shall be elected at the November 2010 general election.**

The term of office of the members:

(1) is four (4) years; and

(2) begins January 1, 2011.

(d) This SECTION expires July 1, 2012."

Renumber all SECTIONS consecutively.

(Reference is to SB 312 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 91, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 36, delete "any individual" and insert "**a guardian ad litem or court appointed special advocate**".

Page 3, line 1, delete "visitation." and insert "**visitation arranged through the department**".

Page 3, delete lines 2 through 31.

(Reference is to SB 91 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 316, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 18, line 19, delete "; and" and insert "**for which a veterinarian-client-patient relationship exists; and**".

Page 18, line 21, delete ", if a veterinarian-client" and insert "."

Page 18, delete line 22.

Page 18, between lines 25 and 26, begin a new paragraph and insert:

"**Sec. 10.5. "Patient" means an animal that is examined or treated by a veterinarian.**"

Page 19, line 23, delete ""Veterinarian-client" and insert ""**Veterinarian-client-patient**".

Page 19, line 31, delete "general".

Page 24, line 31, delete "A part of the examination fees".

Page 24, delete lines 32 through 40.

Page 27, line 22, delete ";" and insert "**or IC 25-1-9-6**";.

Page 33, line 26, delete "veterinarian-client" and insert "**veterinarian-client-patient**".

Page 34, line 9, delete "veterinarian-client" and insert "**veterinarian-client-patient**".

Page 34, line 16, delete "veterinarian-client" and insert "**veterinarian-client-patient**".

Page 39, line 9, delete "the following:" and insert "**any grants or public and private financial assistance designated for the fund**".

Page 39, delete lines 10 through 12.

(Reference is to SB 316 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 345, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 2. IC 22-2-5-0.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.8. As used in this chapter, "Internal Revenue Code" has the meaning set forth in IC 6-3-1-11.**

SECTION 3. IC 22-2-5-1, AS AMENDED BY P.L.51-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Every person, firm, corporation, limited liability company, or association, their trustees, lessees, or receivers appointed by any court, doing business in Indiana (**collectively, the "employer"**) shall pay each employee at least semimonthly or biweekly, if requested, the amount due the employee. **In addition, an employer and an employee may agree to any other pay period, including an agreement to defer compensation that satisfies the requirements of Section 409A of the Internal Revenue Code.** The payment shall be made in lawful money of the United States, by negotiable check, draft, or money order, or by electronic transfer to the financial institution designated by the employee. **Any contract in violation of this subsection is void:**

(b) Payment shall be made for all wages earned **to in a date pay period** not more than ten (10) business days **prior to the date of payment. However, this subsection does not prevent payments being made at shorter intervals than specified in this subsection; nor repeal any law providing for payments at shorter intervals; following the close of the pay period, unless an employer and an employee agree to a different payment date, including an**

agreement to defer compensation that satisfies the requirements of Section 409A of the Internal Revenue Code.

However, if an employee voluntarily leaves employment, either permanently or temporarily, the employer shall not be required to pay the employee an amount due the employee until the next usual and regular day for payment of wages, as established by the employer. If an employee leaves employment voluntarily, and without the employee's whereabouts or address being known to the employer, the employer is not subject to section 2 of this chapter until:

(1) ten (10) business days have elapsed after the employee has made a demand for the wages due the employee; or

(2) the employee has furnished the employer with the employee's address where the wages may be sent or forwarded."

Renumber all SECTIONS consecutively.

(Reference is to SB 345 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 85, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 343, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 86, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-8-8-3, AS AMENDED BY P.L.216-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter, "principal residence" means the residence **or location** where a sex or violent offender spends the most time. The term includes a residence owned or leased by another person if the sex or violent offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex or violent offender.

SECTION 2. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
 - (2) Criminal deviate conduct (IC 35-42-4-2), **including criminal deviate conduct committed in a correctional facility.**
 - (3) Child molesting (IC 35-42-4-3).
 - (4) Child exploitation (IC 35-42-4-4(b)).
 - (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
 - (6) Child solicitation (IC 35-42-4-6).
 - (7) Child seduction (IC 35-42-4-7).
 - (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
 - (9) Incest (IC 35-46-1-3).
 - (10) Sexual battery (IC 35-42-4-8).
 - (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
 - (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
 - (13) Possession of child pornography (IC 35-42-4-4(c)).
 - (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
 - (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
 - (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
 - (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
 - (18) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (17).
 - (19) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (18).
- (b) The term includes:
- (1) a person who is required to register as a sex offender in any jurisdiction; and
 - (2) a child who has committed a delinquent act and who:

- (A) is at least fourteen (14) years of age;
- (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
- (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 3. IC 11-8-8-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.6. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier III sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
 - (2) Criminal deviate conduct (IC 35-42-4-2).
 - (3) Child molesting under:
 - (A) IC 35-42-4-3(a); or
 - (B) IC 35-42-4-3(b) as a Class A felony.
 - (4) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) under IC 35-42-4-5 if the victim is less than fourteen (14) years of age.
 - (5) Sexual misconduct with a minor under:
 - (A) IC 35-42-4-9(a)(2); or
 - (B) IC 35-42-4-9(b)(2).
 - (6) Sexual battery (IC 35-42-4-8) if the victim is less than fourteen (14) years of age.
 - (7) Incest (IC 35-46-1-3) if the victim is less than sixteen (16) years of age.
 - (8) Kidnapping (IC 35-42-3-2) if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
 - (9) Criminal confinement (IC 35-42-3-3) if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
 - (10) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (9).
 - (11) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (10).
- (b) The term includes the following:
- (1) A sexually violent predator (as defined in IC 35-38-1-7.5).
 - (2) A tier II sex offender who is convicted of a subsequent sex offense.
 - (3) A tier II sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier III sex offender by operation of law if one (1) or more of the following conditions apply:

- (1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.
- (2) After June 30, 2008, the person is:
 - (A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or
 - (B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 4. IC 11-8-8-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier II sex offender" means a sex offender convicted of any of the following offenses:

- (1) Child molesting (IC 35-42-4-3(b)) as a Class C felony.
- (2) Child exploitation (IC 35-42-4-4(b)).
- (3) Vicarious sexual gratification (IC 35-42-4-5(a)) as a Class D felony if the victim is thirteen (13) years of age or older.
- (4) Child solicitation (IC 35-42-4-6).
- (5) Child seduction (IC 35-42-4-7).
- (6) Sexual battery (IC 35-42-4-8) if the victim is at least thirteen (13) years of age but less than eighteen (18) years of age.
- (7) Sexual misconduct with a minor under IC 35-42-4-9(a)(1) or IC 35-42-4-9(b)(1), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (8) Incest (IC 35-46-1-3) if the victim is thirteen (13) years of age or older.
- (9) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
- (10) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
- (11) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
- (12) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
- (13) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (12).
- (14) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions

(1) through (13).

(b) The term includes the following:

- (1) a tier I sex offender who is convicted of a subsequent sex offense; or
- (2) a tier I sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier II sex offender by operation of law if one (1) or more of the following conditions apply:

- (1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.
- (2) After June 30, 2008, the person is:
 - (A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or
 - (B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 5. IC 11-8-8-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.8. (a) As used in this chapter, "tier I sex offender" means a sex offender who is not a tier III sex offender or a tier II sex offender.

(b) A person convicted of an offense referred to in section 4.5 of this chapter but not referred to in section 4.6 or section 4.7 of this chapter is a tier I sex offender by operation of law if one (1) or more of the following conditions apply:

- (1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.
- (2) After June 30, 2008, the person is:
 - (A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or
 - (B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.
- (3) The person commits the offense after June 30, 2008."

Page 1, line 4, strike "'sex or'".

Page 1, line 4, delete "violent" and insert "'violent'".

Page 1, strike lines 6 through 17.

Page 2, strike lines 1 through 22.

Page 2, line 23, strike "(18)" and insert "(1)".

Page 2, line 23, delete ", if the person was:" and insert ".".

Page 2, delete lines 24 through 26.

Page 2, line 27, strike "(19)" and insert "(2)".

Page 2, line 27, delete ", if the person was:" and insert ".".

Page 2, delete lines 28 through 30.

Page 2, line 31, strike "(20)" and insert "(3)".

Page 2, line 32, strike "(19)." and insert "(2)".

Page 2, line 33, strike "(21)" and insert "(4)".

Page 2, line 35, strike "(20)." and insert "(3)".

Page 2, between lines 35 and 36, begin a new line block

indented and insert:

"(5) A person who is incarcerated for a Class A or B felony if:

(A) the person served a sentence in a facility maintained by the department after June 30, 2008; and

(B) the difference between the person's release date and the person's post incarceration supervision is less than sixty (60) days due to facility rule violations."

Page 2, line 37, strike "sex or".

Page 3, after line 11, begin a new paragraph and insert:

"SECTION 6. IC 11-8-8-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.3. As used in this chapter, "sex or violent offender" means a person who is:**

(1) a sex offender under section 4.5 of this chapter;

(2) a violent offender under section 5 of this chapter; or

(3) both subdivisions (1) and (2).

SECTION 7. IC 11-8-8-7, AS AMENDED BY P.L.216-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7. (a)** Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days; during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution **in Indiana**, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides **or expects to reside as described in section 9(a)(3) of this chapter** in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides **or expects to reside**. If a sex or violent offender resides **or expects to reside as described in section 9(a)(3) of this chapter** in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the

county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is ~~or intends to be~~ employed, ~~or carry carries~~ on a vocation, ~~or expects to be employed or to carry on a vocation as described in section 9(a)(3) of this chapter~~. If a sex or violent offender is ~~or intends to be~~ employed, ~~or carry carries~~ on a vocation, ~~or expects to be employed or to carry on a vocation as described in section 9(a)(3) of this chapter~~ in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or ~~intends expects~~ to be enrolled as ~~a student~~ **described in section 9(a)(3) of this chapter**. **If a sex or violent offender is enrolled or expects to be enrolled as described in section 9(a)(3) of this chapter in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county**. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) ~~★ For every sex or violent offender committed to the department, shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register. the department shall determine:~~

(1) whether the person is required to register;

(2) whether the person is a:

(A) tier III sex offender;

(B) tier II sex offender;

(C) tier I sex offender; or

(D) violent offender;

(3) whether the person is a sexually violent predator under IC 35-38-1-7.5;

(4) the period for which the person will be required to register as a sex or violent offender in Indiana; and

(5) any other matter required by law to make a registration determination.

The department shall enter into the registry the information

described in section 8 of this chapter before the sex or violent offender is released from the department.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex or violent offender is required to register under subsection (b); (c); or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b); (c); (d); or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. (g) A sex or violent offender who is a sexually violent predator shall register with the local law enforcement authority as required under subsections (b), (c), (d), or (e), or with the appropriate law enforcement agency in another jurisdiction, not more than seventy-two (72) hours after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place location where the sexually violent predator sex or violent offender is required to register under subsection (b), (c), or (d), or (e); or
- (9) arrives at the location in a jurisdiction outside Indiana where the sex or violent offender is required to register;

whichever occurs first. A sex or violent offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall

provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) (h) When a sex or violent offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;
- (2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides; is registered;
- (3) notify every:
 - (A) school;
 - (B) day care center;
 - (C) head start program (42 U.S.C. 9831 et seq.);
 - (D) public housing agency;
 - (E) social service entity responsible for protecting minors in the child welfare system; and
 - (F) volunteer organization in which contact with a minor or other vulnerable individual might occur;
 located in the county where the sex or violent offender is registered; and
- (3) (4) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, employment, vocation, or enrollment in to Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

(i) If a sex or violent offender fails to register as required under subsection (b), (c), (d), or (e) as required in this section, the local law enforcement authority in the destination county shall immediately notify the department and request that the prosecuting attorney in the county pursue a failure to register warrant for a violation of section 17 of this chapter. If the offender fails to register in a jurisdiction outside Indiana, the department shall contact the United States Marshals Service.

SECTION 8. IC 11-8-8-8, AS AMENDED BY P.L.216-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The registration required under this chapter must include the local law enforcement authority or other agency responsible for registering or updating the registration of a sex or violent offender shall collect or update the following information:

- (1) The sex or violent offender's full name; alias; any name by which the sex or violent offender was previously known; date of birth; sex; race; height; weight; hair color; eye color; any scars, marks, or tattoos; Social Security number; driver's license number or state identification card

number; vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis; principal residence address; other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period; and mailing address; if different from the sex or violent offender's principal residence address.

(2) A description of the offense for which the sex or violent offender was convicted; the date of conviction; the county of the conviction; the cause number of the conviction; and the sentence imposed; if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana; the name and address of each campus or location where the sex or violent offender is enrolled in school in Indiana; and the address where the sex or violent offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex or violent offender.

(5) If the sex or violent offender is a sexually violent predator; that the sex or violent offender is a sexually violent predator.

(6) If the sex or violent offender is required to register for life; that the sex or violent offender is required to register for life.

(7) Any other information required by the department.

(1) Name identifiers, including the following:

(A) The full name.

(B) Any alias or previous name.

(2) Communication identifiers, including the following:

(A) Any telephone numbers and any other designations used by the person for purposes of routing or self-identification in telephonic communication.

(B) Any designation or moniker used for routing or self-identification in Internet communications or posting.

(3) Demographic and descriptive identifiers, including the following:

(A) Date of birth and any purported date of birth.

(B) Social Security number and any purported Social Security number.

(C) Sex.

(D) Race.

(E) Height.

(F) Weight.

(G) Hair color.

(H) Eye color.

(I) Any scar, mark, or tattoo.

(4) Licensing information that authorizes the person to engage in an occupation or carry out a trade or business.

(5) Vehicle, transportation, and traveling identifiers, including the following:

(A) Driver's license or state identification card number.

(B) An alias or any purported driver's license number or state identification card number.

(C) A digitized copy of a passport or other information establishing the person's immigration status.

(D) A description and vehicle plate number or, if a plate number is not available, another identifying number for all vehicles owned by the person or used by the person on a regular basis, including the person's personal vehicle, work vehicle, and any watercraft or aircraft the person owns or operates on a regular basis.

(E) The location where the person's vehicles are habitually parked, docked, and otherwise kept.

(6) Residence, employment, and school identifiers, including the following:

(A) Principal residence.

(B) If the person is required to register under section 7(a)(2) of this chapter, the name and address of each of the person's employers in Indiana.

(C) The person's work location, including the normal travel routes and general areas in which the person works.

(D) If the person is required to register under section 7(a)(3) of this chapter, the name and address of each campus or location where the person is enrolled in school in Indiana, and the address that the person stays or expects to stay while in Indiana.

(E) Mailing address, if different from the person's principal residence address.

(F) Any other address where the person spends more than seven (7) nights in a fourteen (14) day period, or thirty (30) or more nonconsecutive days within a calendar year.

(7) Offense information, including the following:

(A) The criminal code citation to the offense of which the person was convicted.

(B) A description of the offense of which the person was convicted.

(C) The date of conviction.

(D) The county or jurisdiction of the conviction.

(E) The cause number of the conviction.

(F) The sentence imposed.

(8) A current photograph of the person.

(9) Any other information required by the department.

(b) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location and update the changed information not later than seventy-two (72) hours after the information changes.

(c) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the local law enforcement authority shall do the following:

(1) Immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(2) Notify every law enforcement agency having jurisdiction in the county or counties where the sex or

violent offender is registered.

(3) Update the National Crime Information Center's National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

SECTION 9. IC 11-8-8-9, AS AMENDED BY P.L.216-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex or violent offender who is required to register under this chapter is scheduled to be released from a **penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:**

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement **affirming** that the sex or violent offender was orally informed **of the duty to register** or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender received the written notice or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Obtain the address where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school** after the sex or violent offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school**, the sex or violent offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex or violent offender.

(b) Not more than seventy-two (72) hours after a sex or violent offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex or violent offender's fingerprints, photograph, and identification factors.

(2) The address where the sex or violent offender expects to reside after the sex or violent offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex or violent offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex or violent offender.

(4) Information regarding the sex or violent offender's past treatment for mental disorders.

(5) Information as to whether the sex or violent offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex or violent offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex or violent offender is sentenced shall perform the duties required under subsections (a)

and (b) **and, not later than seventy-two (72) hours after sentencing, forward registration information required in section 8 of this chapter to every local law enforcement authority in which the sex or violent offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter.**

(d) For any sex or violent offender who is not committed to the department, the probation office of the sentencing court shall transmit to the department a copy of the sex or violent offender's:

(1) sentencing order;

(2) presentence investigation; and

(3) any other information required by the department to make a determination concerning sex or violent offender registration.

(e) If a local law enforcement authority determines that a sex or violent offender has not been notified of the obligation to register, the authority shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender was orally informed of the duty to register, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender received the written notice, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Advise the sex or violent offender that the sex or violent offender is required to report in person and register within seventy-two (72) hours of this notice.

SECTION 10. IC 11-8-8-11, AS AMENDED BY P.L.216-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

(1) principal residence; ~~address~~; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current ~~address~~ **residence** or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal ~~address~~ **residence** or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority ~~where the sex or violent offender's current principal residence address is located~~ **in the new county in Indiana** shall inform the local law enforcement authority in the ~~new county where the sex or violent offender's principal residence was previously located~~ **county in Indiana** of the sex or violent offender's new residence and ~~forward~~ **shall send a copy of** all relevant registration

information concerning the sex or violent offender **in the new county** to the local law enforcement authority in the ~~new~~ county **where the sex or violent offender's principal residence was previously located.** The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice. **The local law enforcement authority in the county where the sex or violent offender's principal residence was previously located shall in turn forward all relevant registration information concerning the sex or violent offender in that county to the local law enforcement authority in the new county.**

(c) If a sex or violent offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

- (1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and
- (2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school;

not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority ~~having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school~~ **in the new county where the sex or violent offender's new principal place of employment, vocation, or enrollment is located** shall inform the local law enforcement authority ~~in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment having jurisdiction over the sex or violent offender's former principal place of employment, principal place of vocation, or campus or location where the sex or violent offender was enrolled in school~~ by forwarding relevant registration information to the local law enforcement authority in the ~~new~~ **previous** county of residence.

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the ~~state police agency that oversees sex or violent offender registration activities~~ in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) If a sex or violent offender who is required to register under this chapter intends to change the sex or violent offender's principal residence, place of employment, place of

vocation, or campus or location where the sex or violent offender is enrolled in school to a jurisdiction outside the United States, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence seventy-two (72) hours before the move and provide the information required under section 8 of this chapter in addition to the name of the country to which the sex or violent offender plans to relocate.

~~(f)~~ (g) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

~~(g)~~ (h) A local law enforcement authority who is notified of a change under subsection (a), ~~or~~ (c), **or (f)** shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) **notify every:**

(A) school;

(B) day care center;

(C) head start program (42 U.S.C. 9831 et seq.);

(D) public housing agency;

(E) social service entity responsible for protecting minors in the child welfare system;

(F) volunteer organization in which contact with a minor or other vulnerable individual might occur; and

(G) law enforcement agency having jurisdiction; in the county or counties where the sex or violent offender is registered;

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS);

(4) if the sex or violent offender plans to relocate outside the United States, notify the United States Marshals Service; and

~~(3)~~ (5) notify the department.

~~(h)~~ (i) If a sex or violent offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

~~(i)~~ (j) If a sex or violent offender is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(k) If a sex or violent offender fails to register as required under section 7(b), 7(c), 7(d), or 7(e) of this chapter, the local law enforcement authority in the destination county shall immediately notify the department and request that the prosecuting attorney in the county pursue a failure to register warrant for a violation of section 17 of this chapter, if applicable.

SECTION 11. IC 11-8-8-12, AS AMENDED BY P.L.216-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used

in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex or violent offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex or violent offender who resides in a temporary residence shall **register report in person with the local law enforcement authority in the county where the sex or violent offender temporarily resides and provide the sex or violent offender's temporary residence location and any other information required by the local law enforcement authority: which the temporary residence is located:**

- (1) not more than seventy-two (72) hours after the sex or violent offender moves into the temporary residence; and
- (2) during the period in which the sex or violent offender resides in a temporary residence, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(c) A sex or violent offender who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the sex or violent offender temporarily resides **and provide a description of the sex or violent offender's exact location and any other information required by the local law enforcement authority: at least once every seven (7) days to report an address for the location where the sex or violent offender will stay during the time in which the sex or violent offender lacks a principal address or temporary residence:**

- (1) **not more than seventy-two (72) hours after the sex or violent offender moves into the location; and**
- (2) **during the period in which the sex or violent offender resides in the location, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).**

(d) A sex or violent offender's obligation to register in person once every seven (7) days terminates when the sex or violent offender no longer resides in the temporary residence or location described in subsection (b) or (c). However, all other requirements imposed on a sex or violent offender by this chapter continue in force, including the requirement that a sex or violent offender register the sex or violent offender's new address with the local law enforcement authority.

SECTION 11. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal address residence or location shall do the following:

- (1) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender tier III sex offender~~ in the county at the ~~sex or violent offender's listed principal residence address~~ at least one (1) time ~~per year~~ **every ninety (90) days**, beginning seven (7) days after the local law enforcement authority receives a notice under

section 11 or 20 of this chapter or the date the ~~sex or violent tier III sex~~ offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21); a ~~secure private facility (as defined in IC 31-9-2-115); or a juvenile detention facility;~~
- (B) released from a secure private facility (as defined in IC 31-9-2-115);**
- (C) released from a juvenile detention facility;**
- ~~(B) placed in (D) transferred to a community transition program;~~
- ~~(C) placed in a community corrections program;~~
- ~~(D) (E) placed on parole; or~~
- ~~(E) (F) placed on probation;~~
- (G) placed on home detention; or**
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;**

whichever occurs first.

(2) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 tier II sex offender in the county at the offender's principal residence~~ at least once every ninety ~~(90) one (1) time every one hundred eighty (180) days~~, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent offender tier II sex offender~~ is:

- (A) released from a penal facility (as defined in IC 35-41-1-21); a ~~secure private facility (as defined in IC 31-9-2-115); or a juvenile detention facility;~~
- (B) released from a secure private facility (as defined in IC 31-9-2-115);**
- (C) released from a juvenile detention facility;**
- ~~(B) placed in (D) transferred to a community transition program;~~
- ~~(C) placed in a community corrections program;~~
- ~~(D) (E) placed on parole; or~~
- ~~(E) (F) placed on probation;~~
- (G) placed on home detention; or**
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;**

whichever occurs first.

(3) **Mail a form that is prescribed by the department to each tier I sex offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the tier I sex offender is:**

- (A) released from a penal facility (as defined in IC 35-41-1-21);
- (B) released from a secure private facility (as defined in IC 31-9-2-115);**
- (C) released from a juvenile detention facility;**
- (D) transferred to a community transition program;**
- (E) placed on parole;**

- (F) placed on probation;
- (G) placed on home detention; or
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(4) Mail a form that is prescribed by the department to each violent offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the violent offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21);
- (B) released from a secure private facility (as defined in IC 31-9-2-115);
- (C) released from a juvenile detention facility;
- (D) transferred to a community transition program;
- (E) placed on parole;
- (F) placed on probation;
- (G) placed on home detention; or
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

~~(3)~~ (5) Personally visit each ~~sex or violent offender tier III sex offender~~ in the county at the ~~sex or violent offender's listed principal residence address~~ at least one (1) time ~~per year~~ every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the ~~sex or violent tier III sex offender~~ is:

- (A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115); or a juvenile detention facility;~~
- (B) released from a secure private facility (as defined in IC 31-9-2-115);
- (C) released from a juvenile detention facility;
- ~~(B)~~ placed in (D) transferred to a community transition program;
- ~~(C)~~ placed in a community corrections program;
- ~~(D)~~ (E) placed on parole; or
- ~~(E)~~ (F) placed on probation;
- (G) placed on home detention; or
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

~~(4)~~ (6) Personally visit each ~~sex or violent tier II sex offender who is designated a sexually violent predator under IC 35-38-1-7.5~~ in the county at the offender's principal residence at least ~~once~~ one (1) time every ninety ~~(90)~~ one hundred eighty (180) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the ~~sex or violent tier II sex offender~~ is:

- (A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115); or a juvenile detention facility;~~
- (B) released from a secure private facility (as defined in IC 31-9-2-115);
- (C) released from a juvenile detention facility;
- ~~(B)~~ placed in (D) transferred to a community transition program;
- ~~(C)~~ placed in a community corrections program;
- ~~(D)~~ (E) placed on parole; or
- ~~(E)~~ (F) placed on probation;
- (G) placed on home detention; or
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(7) Personally visit each tier I sex offender in the county at the offender's principal residence at least one (1) time each three hundred and sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the tier I sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21);
- (B) released from a secure private facility (as defined in IC 31-9-2-115);
- (C) released from a juvenile detention facility;
- (D) transferred to a community transition program;
- (E) placed on parole;
- (F) placed on probation;
- (G) placed on home detention; or
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(8) Personally visit each violent offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the violent offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21);
- (B) released from a secure private facility (as defined in IC 31-9-2-115);
- (C) released from a juvenile detention facility;
- (D) transferred to a community transition program;
- (E) placed on parole;
- (F) placed on probation;
- (G) placed on home detention; or
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the ~~listed address~~, principal

residence, the local law enforcement authority shall immediately notify the department and the **request that the prosecuting attorney of the county seek a warrant for failure to register under IC 11-8-8-17.**

SECTION 12. IC 11-8-8-14, AS AMENDED BY P.L.216-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~This subsection does not apply to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent tier III sex~~ offender who is required to register under this chapter shall: ~~at least one (1) time per calendar year:~~

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register at least one (1) time every ninety (90) days, on a schedule determined by the local law enforcement authority.

(b) ~~This subsection applies to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent tier II sex~~ offender ~~who is a sexually violent predator under IC 35-38-1-7.5~~ **who is required to register under this chapter** shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority; ~~in each location where the sex or violent offender is required to register;~~

~~every ninety (90) in each location where the offender is required to register at least one (1) time each one hundred eighty (180) days.~~

(c) **In addition to the other requirements of this chapter, a tier I sex offender who is required to register under this chapter shall:**

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register at least one (1) time each three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

(d) **In addition to the other requirements of this chapter, a violent offender who is required to register under this chapter shall:**

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register at least one (1) time each three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

~~(e)~~ (e) Each time a sex or violent offender who claims to be working or attending school registers in person, the sex or violent

offender shall provide documentation to the local law enforcement authority providing evidence that the sex or violent offender is still working or attending school at the registered location.

(f) If a sex or violent offender fails to register as required under this section, the local law enforcement authority shall immediately notify the department and request that the prosecuting attorney of the county seek a warrant for failure to register under IC 11-8-8-17.

(g) All information provided by a sex or violent offender as part of the registration process must be certified as true under penalties of perjury.

SECTION 13. IC 11-8-8-15, AS AMENDED BY P.L.216-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

- (1) a valid driver's license issued by the state in which the sex or violent offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex or violent offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a tier III sex offender;**
- ~~(1)~~ **(2) is a sexually violent predator (as defined in IC 35-38-1-7.5); or**
- ~~(2)~~ **(3) has a prior unrelated conviction:**
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 14. IC 11-8-8-16, AS AMENDED BY P.L.216-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A sex or violent offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex or violent offender who is required to register under this chapter changes the sex or violent offender's name due to marriage, the sex or violent offender **shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location, or, if the sex or violent offender has no principal**

residence, the local law enforcement authority having jurisdiction where the sex or violent offender is registered under section 7(c), 7(d), or 7(e) of this chapter, and provide documentation of the change must register with the local law enforcement authority not more than seven (7) days ~~seventy-two (72) hours~~ after the name change.

SECTION 15. IC 11-8-8-17, AS AMENDED BY P.L.216-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) **Except as provided in subsection (c), a sex or violent offender required to register under this chapter who knowingly or intentionally:**

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex or violent offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;
- (4) fails to register **or report** in person as required under this chapter; or
- (5) does not reside at the sex or violent offender's registered address or location;

commits a Class D felony.

(b) The offense described in subsection (a) is a Class C felony if the sex or violent offender has a prior unrelated conviction for an offense:

- (1) under this section; or
- (2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

(c) **It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee described under IC 36-2-13-5.6.**

(c) **This subsection only applies to a sex or violent offender required to register under this chapter who:**

- (1) changes the sex or violent offender's principal residence to a new county in Indiana; and
- (2) registers with the local law enforcement authority in the new county having jurisdiction over the sex or violent offender's new principal residence not more than seventy-two (72) hours after the change of address.

A sex or violent offender to whom this subsection applies who fails to register with the local law enforcement authority having jurisdiction over the sex or violent offender's former principal residence in the previous county of residence commits a Class C infraction.

SECTION 16. IC 11-8-8-18, AS AMENDED BY P.L.216-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) **A sexually violent predator tier II sex offender who will be absent from the sexually violent predator's person's principal residence for more than ~~seventy-two (72) hours~~ seven (7) days shall inform the local law enforcement authority in the county where the sexually violent predator's person's principal address residence is located, in person, of the following:**

- (1) That the **sexually violent predator person** will be absent from the **sexually violent predator's person's** principal

residence for more than ~~seventy-two (72) hours~~ **seven (7) days.**

(2) The location where the **sexually violent predator person** will be located during the absence from the **sexually violent predator's person's** principal residence.

(3) The length of time the **sexually violent predator person** will be absent from the **sexually violent predator's person's** principal residence.

If the tier II sex offender will spend more than seven (7) days away from the county of the principal residence, the local law enforcement authority in the county where the person's principal residence is located shall notify the local law enforcement authority in the new county where the person plans to stay.

(b) **A sexually violent predator tier II sex offender who will spend more than ~~seventy-two (72) hours~~ in a county in which the sexually violent predator is not required to register seven (7) days away from the county where the person's principal residence is located shall inform the local law enforcement authority in the new county, in which the sexually violent predator is not required to register, in person, of the following:**

- (1) That the **sexually violent predator person** will spend ~~more than seventy-two (72) hours~~ **time** in the county.
- (2) The location where the **sexually violent predator person** will be located while spending time in the county.
- (3) The length of time the **sexually violent predator person** will remain in the county.

Upon request of the local law enforcement authority of the county in which the **sexually violent predator tier II sex offender** is not required to register, the **sexually violent predator person** shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the **sexually violent predator's person's** whereabouts during the **sexually violent predator's person's** stay in the county.

(c) **A tier III sex offender who will be absent from the person's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the person's principal residence is located, in person, of the following:**

- (1) That the person will be absent from the person's principal residence for more than seventy-two (72) hours.
- (2) The location where the person will be located during the absence from the person's principal residence.
- (3) The length of time the person will be absent from the person's principal residence.

If the tier III sex offender will spend more than seventy-two (72) hours away from the county of the principal residence, the local law enforcement authority in the county where the person's principal residence is located shall notify the local law enforcement authority in the new county where the person plans to stay.

(d) **A tier III sex offender who will spend more than seventy-two (72) hours away from the county where the person's principal residence is located shall inform the local law enforcement authority in the new county, in person, of the following:**

- (1) That the person will spend time in the county.
- (2) The location where the person will be located while spending time in the county.
- (3) The length of time the person will remain in the county.

Upon request of the local law enforcement authority of the county in which the tier III sex offender is not required to register, the person shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the person's whereabouts during the person's stay in the county.

(c) (e) A sexually violent predator tier II or tier III sex offender who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter.

SECTION 17. IC 11-8-8-19, AS AMENDED BY P.L.216-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired. A tier III sex offender is required to register for life.

(b) A sex or violent offender who is a sexually violent predator is required to register for life. A tier II sex offender is required to register under this chapter until the expiration of twenty-five (25) years from the date the sex or violent offender was:

- (1) released from a penal facility (as defined in IC 35-41-1-21);
- (2) released from a secure private facility (as defined in IC 31-9-2-115);
- (3) released from a juvenile detention facility;
- (4) transferred to a community transition program;
- (5) placed on parole;
- (6) placed on probation; or
- (7) placed on home detention;

whichever occurs last.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life. A tier I sex offender is required to register under this chapter until the expiration of fifteen (15) years from the date the sex or violent offender was:

- (1) released from a penal facility (as defined in IC 35-41-1-21);
- (2) released from a secure private facility (as defined in IC 31-9-2-115);
- (3) released from a juvenile detention facility;
- (4) transferred to a community transition program;
- (5) placed on parole;
- (6) placed on probation; or
- (7) placed on home detention;

whichever occurs last.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

A violent offender is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life:

(f) (e) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

(f) A tier I sex offender's registration requirement may be reduced from fifteen (15) years to ten (10) years if the person:

- (1) has not been convicted of a felony since the person's registration period began;
- (2) has not been convicted of a subsequent sex offense;
- (3) has successfully completed any period of supervised release, probation, or parole; and
- (4) has successfully completed an appropriate sex offender treatment program certified by the department, a local sentencing court, or by the United States Attorney General.

(g) The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.

SECTION 18. IC 11-8-8-20, AS AMENDED BY P.L.216-2007, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) The department may enter into a compact or agreement with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the change of address, employment, vocation, or enrollment of a sex or violent offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) If the department receives information that a sex or violent offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, or that a sex or violent offender has been convicted in Indiana but not sentenced to the department, the department shall determine:

- (1) **whether the person is required to register;**
- (2) **whether the person is defined as a:**
 - (A) **tier III sex offender; under IC 11-8-8-4.5; or**
 - (B) **tier II sex or violent offender; under IC 11-8-8-5;**
 - (C) **tier I sex offender; or**
 - (D) **violent offender;**
- ~~(2)~~ (3) **whether the person is a sexually violent predator under IC 35-38-1-7.5;**
- ~~(3)~~ (4) **the period the person will be required to register as a sex or violent offender in Indiana; and**
- ~~(4)~~ (5) **any other matter required by law to make a registration determination.**

(c) After the department has made a determination under subsection (b), the department shall update the sex and violent offender registry web site and transmit the department's determination to the local law enforcement authority having jurisdiction over the county where the sex or violent offender resides, is employed, and attends school. The department shall transmit:

- (1) the sex or violent offender's name, date of relocation, new address (if applicable), the offense or delinquent act committed by the sex or violent offender, and any other available descriptive information;
- (2) **whether the person is defined as a:**
 - (A) **tier III sex offender;**
 - (B) **tier II sex offender;**
 - (C) **tier I sex offender; or**
 - (D) **violent offender;**
- (3) **whether the sex or violent offender is a sexually violent predator;**
- ~~(3)~~ (4) **the period the sex or violent offender will be required to register in Indiana; and**
- ~~(4)~~ (5) **anything else required by law to make a registration determination.**

SECTION 19. IC 11-8-8-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23. (a) This section applies to a tier I sex offender who seeks to have the offender's registration period reduced from fifteen (15) years to ten (10) years under section 19(f) of this chapter.**

(b) A tier I sex offender may seek to have the offender's registration period reduced from fifteen (15) years to ten (10) years by filing a verified petition in:

- (1) **the court of conviction, if the offender was convicted in Indiana; or**
- (2) **a circuit or superior court located in the county where the offender's principal residence is located, if the offender was convicted in another jurisdiction.**

(c) A petition filed under this section must briefly describe why the tier I sex offender is entitled to relief, making specific reference to the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(d) Upon receipt of a petition under this section, a court may:

- (1) **summarily dismiss the petition if the petition does not entitle the tier I offender to relief; or**
- (2) **provide a copy of the petition to the prosecuting attorney and conduct a hearing on the merits.**

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the prosecuting attorney. The prosecuting attorney may attend the hearing and present evidence.

(e) The tier I sex offender bears the burden of proving by a preponderance of the evidence that the offender meets the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(f) If the court finds that the tier I sex offender has proved that the offender is entitled to relief under section 19(f) of this chapter, the court shall reduce the offender's registration period from fifteen (15) years to ten (10) years. If the court reduces the offender's registration period under this section, the court shall notify the department and the local law enforcement authority in the county. The department shall notify other relevant agencies and individuals, if applicable.

(g) If the court finds that the tier I sex offender has not proved that the offender is entitled to relief under section 19(f) of this chapter, the court may not reduce the offender's registration period.

(h) A person may file a petition under this section not more than one (1) time per year.

SECTION 20. IC 11-8-8-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 24. (a) This section applies to a:**

- (1) **tier III sex offender;**
- (2) **tier II sex offender;**
- (3) **tier I sex offender; or**
- (4) **violent offender;**

who seeks to challenge a determination made in Indiana concerning the sex or violent offender's classification or registration period.

(b) This section does not apply to a sex or violent offender convicted in another jurisdiction who seeks to challenge a determination made in the other jurisdiction.

(c) As used in this section, "petitioner" means a person to whom this section applies who seeks to challenge a determination relating to:

- (1) **the person's classification as a:**
 - (A) **tier III sex offender;**
 - (B) **tier II sex offender;**
 - (C) **tier I sex offender; or**
 - (D) **violent offender; or**
- (2) **the period of time the person is required to register as a sex or violent offender in Indiana.**

(d) A petitioner who seeks to challenge the petitioner's classification or registration period may do so by filing a verified petition in:

- (1) **the court of conviction, if the petitioner was convicted in Indiana; or**
- (2) **a circuit or superior court located in the county where the petitioner's principal residence is located, if the petitioner was convicted in another jurisdiction.**

(e) A petition filed under this section must briefly and specifically describe why the petitioner is entitled to relief.

(f) Upon receipt of a petition under this section, a court may:

- (1) summarily dismiss the petition if the petition does not entitle the petitioner to relief; or
- (2) provide a copy of the petition to the department and the prosecuting attorney and conduct a hearing on the merits.

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the department and the prosecuting attorney. The prosecuting attorney, the department, or both may attend the hearing and present evidence.

(g) The petitioner bears the burden of proving by a preponderance of the evidence that the petitioner has been wrongly classified or that the petitioner's registration period is incorrect.

(h) If the court finds that the petitioner has proved that the petitioner is entitled to relief, the court shall order the department to revise the petitioner's classification or registration period. The department shall notify other relevant agencies and individuals, if applicable.

(i) If the court finds that the petitioner has not proved that the offender is entitled to relief, the court may not order the department to revise the petitioner's classification or registration period.

(j) A petitioner may file a petition under this section not more than one (1) time per year.

SECTION 21. IC 36-2-13-5.5, AS AMENDED BY P.L.216-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex and violent offender registry web site, known as the Indiana sex and violent offender registry, to inform the general public about the identity, location, and appearance of every sex or violent offender residing within Indiana. The web site must provide information regarding each sex or violent offender, organized by county of residence. The web site shall be updated at least daily.

(b) Except as provided in subsection (f), the Indiana sex and violent offender registry web site must include the following information:

- (1) A recent photograph of every sex or violent offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex or violent offender.
- (3) The information required under IC 11-8-8-8.

(c) Every time a sex or violent offender registers, but at least once per year, the sheriff shall:

- (1) photograph the sex or violent offender; and
- (2) determine whether the sex or violent offender's fingerprints are on file:
 - (A) in Indiana; or
 - (B) with the Federal Bureau of Investigation.

If it appears that the sex or violent offender's fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex or violent offender and transmit a copy of the fingerprints to the state police department. The sheriff shall place the photograph described in subdivision (1) on the Indiana sex and violent offender registry web site.

(d) The photograph of a sex or violent offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex and violent offender registry web site.

(e) The Indiana sex and violent offender registry web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

(f) The:

- (1) photograph; and
- (2) home address;

of a sex and violent offender whose registration period has expired shall be removed from any part of the web site that may be accessed by the general public.

SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 11-8-8-1; IC 11-8-8-6.

SECTION 23. [EFFECTIVE JULY 1, 2008] **IC 11-8-8-17 and IC 11-8-8-18, both as amended by this act, apply only to crimes committed after June 30, 2008."**

Renumber all SECTIONS consecutively.

(Reference is to SB 86 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 123, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 251, has had

the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning prescription drugs.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-26-17-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.5. A nonresident pharmacy that dispenses more than twenty-five percent (25%) of the pharmacy's total prescription volume as a result of an original prescription order received or solicited through the Internet shall:**

(1) be accredited:

(A) through the National Association of Boards of Pharmacy's Verified Internet Pharmacy Practice Sites (VIPPS); or

(B) under a program that is substantially similar to the program under clause (A) and that has been approved by the board; and

(2) obtain and display a seal of approval for:

(A) the National Association of Boards of Pharmacy; or

(B) the substantially similar program described in subdivision (1)(B);

anywhere that the nonresident pharmacy advertises.

SECTION 2. IC 25-26-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. The board may deny, revoke, or suspend the registration of a nonresident pharmacy for:

(1) failing to comply with sections 3, 4, **4.5**, and 6 of this chapter; or

(2) conduct that causes serious bodily or psychological harm to a customer who lives in Indiana or purchased drugs from the nonresident pharmacy while in Indiana, if the board reports the matter to the pharmacy regulatory or licensing agency in the state in which the nonresident pharmacy is located."

Page 1, line 8, delete ":".

Page 1, delete lines 9 through 12.

Page 1, line 13, delete "(2)".

Page 1, run in lines 8 through 13.

Renumber all SECTIONS consecutively.

(Reference is to SB 251 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 189, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 28, strike "published" and insert "**printed**".

Page 2, line 28, reset in roman "newspaper".

Page 2, line 29, delete "qualified publication (as defined in IC 5-3-1-0.7)".

Page 2, line 30, before "published" insert "**that is**".

Page 2, line 30, reset in roman "published".

(Reference is to SB 189 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Joint Resolution 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 10, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 187, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 9 through 10.

Page 1, line 11, delete "(4)" and insert "**(3)**".

Page 1, line 13, delete "(5)" and insert "**(4)**".

(Reference is to SB 187 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 14 and 15, begin a new line block indented and insert:

"(4) Any other home medical equipment determined by the board in rules adopted under section 7 of this

chapter."

Page 2, line 33, after "is" insert "**or is not**".
 (Reference is to SB 247 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 350, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 7, delete ";" and insert ".".
 Page 5, delete lines 8 through 13.
 Page 5, line 14, delete "(f)" and insert "(e)".
 Page 5, line 28, delete "(g)" and insert "(f)".
 Page 6, line 26, delete "section 2(e) of this" and insert "**section 2 of this chapter**".
 Page 6, delete lines 27 through 30.
 (Reference is to SB 350 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 8, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 166, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 137, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 197, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, line 6, delete "(a)".
 Page 7, line 10, delete "(b)".
 Page 7, line 10, strike "The commission shall establish and administer a unified".
 Page 7, strike lines 11 through 13.
 (Reference is to SB 197 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 14, after "employee" insert "**(A)**".
 Page 1, line 15, after "incurred;" insert "**or (B) wages not yet earned;**".
 Page 2, line 5, after "unless" delete ", at the time of the advance".
 Page 2, line 5, delete "provides" and insert "**has provided**".
 Page 2, line 6, delete "advanced" and insert "**of the advance**".
 (Reference is to SB 212 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 219, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 40, delete "six (6)" and insert "**twenty-five (25)**".
 Page 2, delete lines 41 through 42.
 Page 3, delete lines 1 through 5.
 Page 3, line 6, delete "3. An" and insert "**2. (a) To the extent possible, an**".
 Page 3, line 6, delete "make reasonable efforts to".
 Page 3, line 7, delete "room or other" and insert "**private**".
 Page 3, line 7, delete "in close proximity".
 Page 3, line 8, delete "to the work area".
 Page 3, line 8, delete "described in section 2 of this".
 Page 3, line 9, delete "chapter".
 Page 3, line 9, after "privacy" delete ". An" and insert "**during any period away from the employee's assigned duties**".

(b) To the extent possible, an".

Page 3, line 10, delete "make reasonable efforts to" and insert ":

(1)".

Page 3, line 12, after "expressed" delete ". The employer is not liable if the employer makes a" and insert "; or

(2) allow the employee to provide the employee's own portable cold storage device for keeping milk that has been expressed until the end of the employee's work day."

Page 3, delete line 13, begin a new paragraph and insert:

"(c) Except in cases of willful misconduct, gross negligence, or bad faith, an employer is not liable for any harm caused by or arising from either of the following that occur on the employer's premises:

(1) The expressing of an employee's breast milk.

(2) The storage of expressed milk."

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 6. IC 34-30-2-87.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 87.2. IC 22-2-14-2(c) (Concerning the expressing and storage of an employee's breast milk on an employer's premises)."

Renumber all SECTIONS consecutively.

(Reference is to SB 219 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

KRUSE, Chair

Report adopted.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 18

Senator Nugent called up Senate Concurrent Resolution 18 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Grubb, Pflum, and Saunders.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 280, which is eligible for third reading, be returned to second reading for purposes of amendment.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 16, which is eligible for third reading, be returned to second reading for purposes of amendment.

LAWSON

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 6, after "(b)" insert **"As used in this section, "orthotic device" means a custom fabricated brace or support that is designed based on medical necessity.**

(c)".

Page 1, line 7, delete "medical device that is not surgically implanted and that" and insert **"leg or arm."**

Page 1, delete lines 8 through 15.

Page 1, line 16, delete "(c)" and insert **"(d)".**

Page 2, line 6, delete "(d)" and insert **"(e)".**

Page 2, line 6, delete "the" and insert **"coverage for orthotic devices and prosthetic devices, including repair or replacement of an orthotic device or a prosthetic device that:**

(1) is performed by a licensed orthotist or prosthetist or a certified pedorthist;

(2) is determined by the covered individual's physician to be medically necessary to restore or maintain the covered individual's ability to perform activities of daily living or essential job related activities; and

(3) is not solely for comfort or convenience.

(f) The coverage required under subsection (e) must be equal to the coverage that is provided for the same device, repair, or replacement under the federal Medicare reimbursement schedule, unless:

(1) otherwise limited by this section; or

(2) a different reimbursement rate is negotiated.

(g) Except as provided in subsection (h), the coverage required under this section:

(1) may be subject to; and

(2) may not be more restrictive than;

the provisions that apply to other benefits under the state employee health plan.

(h) The coverage required under this section may be subject to utilization review, including periodic review, of the continued medical necessity of the benefit."

Page 2, delete lines 7 through 19.

Page 3, line 2, after "(a)" insert **"As used in this chapter, "orthotic device" means a custom fabricated brace or support that is designed based on medical necessity.**

(b)".

Page 3, line 3, delete "medical device that is not surgically implanted and that" and insert **"leg or arm."**

Page 3, delete lines 4 through 12.

Page 3, line 13, after "provide" insert **"coverage for orthotic devices and prosthetic devices, including repair or replacement of an orthotic device or a prosthetic device that:**

(1) is performed by a licensed orthotist or prosthetist or a certified pedorthist;

(2) is determined by the insured's physician to be medically necessary to restore or maintain the insured's ability to perform activities of daily living or essential job related activities; and

(3) is not solely for comfort or convenience.

Sec. 5. The coverage required under section 4 of this chapter must be equal to the coverage that is provided for the same device, repair, or replacement under the federal Medicare reimbursement schedule, unless:

(1) otherwise limited by this chapter; or

(2) a different reimbursement rate is negotiated.

Sec. 6. Except as provided in section 7 of this chapter, the coverage required under section 4 of this chapter:

(1) may be subject to; and

(2) may not be more restrictive than;

the provisions that apply to other benefits under the policy of accident and sickness insurance.

Sec. 7. The coverage required under section 4 of this chapter may be subject to utilization review, including periodic review, of the continued medical necessity of the benefit."

Page 3, delete lines 14 through 25.

Page 3, line 28, after "(a)" insert "As used in this section, "orthotic device" means a custom fabricated brace or support that is designed based on medical necessity.

(b)".

Page 3, line 29, delete "medical device that is not surgically implanted" and insert "leg or arm".

Page 3, delete lines 30 through 38.

Page 3, line 39, delete "the" and insert "coverage for orthotic devices and prosthetic devices, including repair or replacement of an orthotic device or a prosthetic device that:

(1) is performed by a licensed orthotist or prosthetist or a certified pedorthist;

(2) is determined by the enrollee's physician to be medically necessary to restore or maintain the enrollee's ability to perform activities of daily living or essential job related activities; and

(3) is not solely for comfort or convenience.

(d) Except as provided in subsection (e), the coverage required under subsection (c):

(1) may be subject to; and

(2) may not be more restrictive than;

the provisions that apply to other benefits under the group contract or individual contract.

(e) The coverage required under this section may be subject to utilization review, including periodic review, of the continued medical necessity of the benefit."

Page 3, delete lines 40 through 42.

Page 4, delete lines 1 through 9.

(Reference is to SB 269 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to

which was referred Senate Bill 81, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 18, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.2.** "Accident response service fee", for purposes of IC 9-29-11.5, has the meaning set forth in IC 9-29-11.5-1.

SECTION 2. IC 9-13-2-94.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 94.2.** "Local law enforcement agency", for purposes of IC 9-29-11.5, has the meaning set forth in IC 9-29-11.5-2."

Page 6, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 9. IC 9-29-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 11.5. Accident Response Service Fees

Sec. 1. As used in this chapter, "accident response service fee" means a fee imposed for any of the following:

(1) The response by a local law enforcement agency to a motor vehicle accident.

(2) The investigation by a local law enforcement agency of a motor vehicle accident.

Sec. 2. As used in this chapter, "local law enforcement agency" means a political subdivision's department or agency whose principal function is the apprehension of criminal offenders.

Sec. 3. A political subdivision or a local law enforcement agency of a political subdivision may not impose or collect, or enter into a contract for the collection of, an accident response service fee on or from:

(1) the driver of a motor vehicle; or

(2) any other person;

involved in a motor vehicle accident."

Page 9, delete lines 16 through 42.

Delete page 10.

Renumber all SECTIONS consecutively.

(Reference is to SB 81 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 27, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "law enforcement agency" and insert "facility".

Page 1, line 4, delete "involving domestic or family" and

insert **"of domestic (as described in IC 35-41-1-6.3)"**.

Page 1, line 12, delete "charged with" and insert **"arrested for"**.

Page 1, line 13, delete "involving domestic or family" and insert **"of domestic (as described in IC 35-41-1-6.3)"**.

(Reference is to SB 27 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 157, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "C.F.R." and insert **"CFR Part"**.

Page 1, delete lines 8 through 17.

Page 2, line 5, after "program" insert **"is specifically approved and the opiate treatment facility"**.

Page 2, delete lines 6 through 7.

Page 2, line 9, delete "(3)" and insert **"(2)"**.

Page 2, line 11, after "Separate" insert **" specific approval and"**.

Page 3, line 10, strike "of:" and insert **"that is:"**.

Page 3, line 11, strike "twenty dollars (\$20) for each".

Page 3, line 11, delete "resident; and".

Page 3, line 12, delete "(2) three hundred dollars (\$300) for each".

Page 3, line 12, strike "nonresident;"

Page 3, line 13, delete "of Indiana" and insert **"an amount established by the division by rule under IC 4-22-2;**

(2) not more than necessary to recover the costs of administering this chapter; and

(3) not more than seventy-five dollars (\$75) for each opioid treatment program patient."

Page 3, run in lines 11 through 13.

Page 3, line 20, strike "diversion".

Page 3, line 21, strike "control and oversight".

Page 3, line 22, strike "diversion control and".

Page 3, line 23, strike "oversight".

Page 4, between lines 5 and 6, begin a new line double block indented and insert:

"(D) Clinical standards for the appropriate tapering of a patient on and off of an opioid treatment medication."

Page 4, line 6, after "(2)" insert **"A requirement that, not later than February 28 of each year, a current diversion control plan that meets the requirements of 21 CFR Part 291 and 42 CFR Part 8 be submitted for each opioid treatment facility.**

(3)".

Page 4, line 7, delete "chapter." and insert **"chapter as described in section 3 of this chapter."**

Page 4, line 38, after "IC 5-14-6" insert **", the state department of health,"**.

Page 5, delete lines 8 through 11.

Page 5, line 12, delete "(7)" and insert **"(5)"**.

Page 5, line 12, delete "rehabilitated" and insert **"determined to be no longer in need of services"**.

Page 5, line 14, delete "(8)" and insert **"(6)"**.

Page 5, line 16, delete "(9)" and insert **"(7)"**.

Page 5, between lines 17 and 18, begin a new line single block indented and insert:

"(8) Any other information that the division determines to be relevant to the success of a quality opioid treatment program."

Page 5, line 23, after "program's" insert **"specific approval to operate as an opioid treatment program or the opioid treatment facility's"**.

Page 5, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 11. IC 12-23-18-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.8. (a) The director of the division may take any of the following actions based on any grounds described in subsection (b):

(1) Issue a letter of correction.

(2) Reinspect the opioid treatment program facility.

(3) Deny renewal of, or revoke, any of the following:

(A) Specific approval to operate as an opioid treatment program.

(B) Certification of the opioid treatment facility.

(4) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000).

(b) The director of the division may take action under subsection (a) based on any of the following grounds:

(1) Violation of this chapter or rules adopted under this chapter.

(2) Permitting, aiding, or abetting the commission of any illegal act in an opioid treatment program facility.

(3) Conduct or practice found by the director to be detrimental to the welfare of an opioid treatment program patient.

(c) IC 4-21.5 applies to an action under this section."

Delete pages 6 through 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 157 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 150, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. For the purposes of this chapter:

(1) "Physical therapy" means the evaluation of, administration of, or instruction in physical rehabilitative and habilitative techniques, and procedures to evaluate, prevent, correct, treat, alleviate, and limit physical disability, pathokinesiological function, bodily malfunction, pain from injury, disease, and any other physical disability, ~~or mental disorder~~, including:

- (A) the use of physical measures, agents, and devices for preventive and therapeutic purposes;
- (B) neurodevelopmental procedures;
- (C) the performance, interpretation, and evaluation of physical therapy tests and measurements; and
- (D) the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

(2) "Physical therapist" means a person who practices physical therapy as defined in this chapter.

(3) "Physical therapist's assistant" means a person who assists in the practice of physical therapy as defined in this chapter.

(4) "Board" refers to the medical licensing board.

(5) "Committee" refers to the Indiana physical therapy committee established under section 4 of this chapter.

(6) "Person" means an individual.

(7) **"Sharp debridement" means the removal of foreign material or dead tissue from or around a wound, without anesthesia and with generally no bleeding, through the use of:**

- (A) a sterile scalpel;
- (B) scissors;
- (C) forceps;
- (D) tweezers; or
- (E) other sharp medical instruments;

in order to expose healthy tissue, prevent infection, and promote healing."

Page 2, line 33, after "evaluate" insert ", but may not treat,".

Page 3, line 3, delete "six (6)" and insert **"three (3)"**.

Page 3, after line 8, begin a new paragraph and insert:

"SECTION 4. IC 25-27-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.5. A physical therapist may not perform sharp debridement unless the physical therapist performing the sharp debridement is acting on the order of a physician licensed under:

(1) IC 25-22.5; or

(2) IC 25-29."

Renumber all SECTIONS consecutively.

(Reference is to SB 150 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 2.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 190, has had the same under consideration and begs leave to report the same

back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, between lines 4 and 5, begin a new line blocked left and insert:

"A determination by the director under this paragraph must be in writing and shall be delivered to all parties to the transaction. IC 4-21.5-3 applies to a determination made under this paragraph."

Page 6, line 27, delete "creditor's agent" and insert **"person acting on behalf of the creditor"**.

Page 6, line 28, delete "creditor's agent" and insert **"person acting on behalf of the creditor"**.

Page 7, line 24, delete "creditor's agent" and insert **"person acting on behalf of the creditor"**.

Page 7, line 26, delete "creditor's" and insert **"person acting on behalf of the creditor"**.

Page 7, line 27, delete "agent".

Page 7, line 29, delete "creditor's agent" and insert **"person acting on behalf of the creditor"**.

Page 8, line 4, delete "creditor's agent" and insert **"person acting on behalf of the creditor"**.

Page 8, line 28, delete "creditor's agent" and insert **"person acting on behalf of the creditor"**.

Page 10, line 19, strike "or".

Page 10, line 20, delete "." and insert **", a joint venture, an unincorporated organization, or any other entity, however organized."**

Page 10, line 24, after "or" reset in roman "an".

Page 10, line 24, delete "any".

Page 10, line 24, after "and" insert **"or"**.

Page 10, line 24, after "and" reset in roman "an".

Page 10, line 25, rest in roman "organization".

Page 10, line 25, delete "sole proprietorship, partnership, trust, joint venture,".

Page 10, delete lines 26 through 27.

Page 12, line 6, delete "providing property tax forms (IC 24-4.5-3-701),".

Page 12, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 6. IC 24-4.5-3-402, AS AMENDED BY P.L.217-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 402. (1) This section does not apply to a first lien mortgage transaction.

(2) Except as provided in IC 24-9-4-3 with respect to a high cost home loan (as defined in IC 24-9-2-8), with respect to a consumer loan, other than one pursuant to a revolving loan account or one on which only loan finance charges are payable prior to the time that the final scheduled payment is due, if any

scheduled payment is more than twice as large as the average of earlier scheduled payments, the debtor has the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing shall be no less favorable to the debtor than the terms of the original loan. This section does not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the debtor.

~~(2)~~ (3) For the purposes of this section, "terms of the refinancing" means:

(a) in the case of a fixed-rate consumer loan, the individual payment amounts, the charges as a result of default by the debtor, and the rate of the loan finance charge; and

(b) in the case of a variable rate consumer loan, the method used to determine the individual payment amounts, the charges as a result of default by the debtor, the method used to determine the rate of the loan finance charge, the circumstances under which the rate of the loan finance charge may increase, and any limitations on the increase in the rate of the loan finance charge.

~~(3)~~ (4) If a consumer loan is made under the authority of the Alternative Mortgage Transaction Parity Act (12 U.S.C. 3802 et seq.), the note evidencing the mortgage must contain a reference to the applicable federal law."

Page 25, delete lines 22 through 31.

Page 26, line 4, delete "means:" and insert **"means an individual consumer, or the individual's legal representative, who obtains or has obtained from the person a financial:**

(1) product; or

(2) service;

that is to be used primarily for personal, family, or household purposes. The term does not include an affiliate of the person."

Page 26, delete lines 5 through 12.

Page 32, line 33, after "not" insert **"create a substantial likelihood of misleading the public by implying that the person, firm, limited liability company, or corporation is a state or federally chartered bank or savings bank."**

Page 32, delete lines 34 through 37.

Page 54, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 41. IC 28-7-1-17.1, AS ADDED BY P.L.141-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17.1. (a) ~~Subject to subsection (b);~~ A credit union may make a loan to the credit union's individual ~~officers;~~ directors and committee members under the following terms and conditions:

(1) The loan must comply with all requirements under this chapter that apply to loans made to other borrowers.

(2) The loan may not be on terms more favorable than those extended to other borrowers.

(3) The borrower may not:

(A) take part in the consideration of; or

(B) vote on;

the borrower's loan application.

(4) Except as provided in subsection (b), a credit union may not make a loan under this section to an individual, the individual's immediate family, or the individual's related interests if the amount of the loan, either by itself or when

added to the amounts of all other loans made under this section to the individual, the individual's immediate family, or the individual's related interests, exceeds the greater of:

(A) five percent (5%) of the credit union's ~~unimpaired~~ capital and surplus; or

(B) twenty-five thousand dollars (\$25,000);

unless the loan is first approved by the credit union's board of directors.

(5) A credit union may not make a loan under this section to an individual, the individual's immediate family, or the individual's related interests if the amount of the loan, either by itself or when added to the amounts of all other loans made under this section to the individual, the individual's immediate family, or the individual's related interests, exceeds the lending limits set forth in IC 28-7-1-39.

~~(6) Subject to subsection (b);~~ The total amount of all loans made under this section may not exceed the credit union's ~~unimpaired~~ capital and surplus. **However, the limit set forth in this subdivision does not apply to either of the following:**

(A) A loan, in any amount, secured by a perfected security interest in bonds, notes, certificates of indebtedness, or treasury bills of the United States or in other obligations fully guaranteed as to principal and interest by the United States.

(B) A loan, in any amount, secured by a perfected security interest in a segregated deposit account in the lending credit union.

~~(b) The limits set forth in subsections Approval by the board of directors under subsection (a)(4) and (a)(6) do not apply to any of the following: (1) is not required for an extension of credit made under a line of credit approved under subsection (a)(4) if the extension of credit is made not later than fourteen (14) months after the line of credit was approved.~~

~~(2) A loan, in any amount, to finance the education of an individual's child;~~

~~(3) A loan, in any amount, to finance or refinance the purchase, construction, maintenance, or improvement of a residence of the individual; if:~~

~~(A) the loan is secured by a first lien on the residence and the residence is owned; or will be owned after the loan is made; by the individual; and~~

~~(B) in the case of a refinancing, the loan includes only the amount used to repay the original loan; plus any closing costs and any additional amount used for any purpose described in this subdivision.~~

~~(4) A loan, in any amount, secured by a perfected security interest in bonds, notes, certificates of indebtedness, or treasury bills of the United States or in other obligations fully guaranteed as to principal and interest by the United States;~~

~~(5) A loan, in any amount, secured by a perfected security interest in a segregated deposit account in the lending credit union;~~

~~(6) A loan made to an individual, the individual's immediate family, or the individual's related interests, for any other purpose; if the total amount of loans to the~~

individual, the individual's immediate family, or the individual's related interests under this section does not exceed, at any given time, the greater of:

- (A) two and one-half percent (2.5%) of the credit union's unimpaired capital and unimpaired surplus; or
- (B) twenty-five thousand dollars (\$25,000);

but in no event more than one hundred thousand dollars (\$100,000).

(c) At least quarterly, the president or manager shall prepare and deliver to the board of directors a report listing the outstanding indebtedness of all officers, directors, and committee members. A report prepared under this subsection must be retained at the credit union for three (3) years and shall not be filed with the department unless specifically requested. A report required by this subsection must include:

- (1) the amount of each indebtedness; and
- (2) a description of the terms and conditions of each loan, including:
 - (A) the interest rate;
 - (B) the original amount and date of the loan;
 - (C) the maturity date;
 - (D) payment terms;
 - (E) security, if any; and
 - (F) any unusual term or condition of a particular extension of credit.

(d) (c) The department may apply the provisions of 12 CFR 215 (Regulation O) in applying and administering this section.

SECTION 42. IC 28-7-1-17.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 17.2. (a) A credit union may make a loan to the credit union's individual officers under the following terms and conditions:**

- (1) The loan must comply with all requirements under this chapter that apply to loans made to other borrowers.
- (2) The loan may not be on terms more favorable than those extended to other borrowers unless the loan is made in connection with a benefit or compensation plan that:
 - (A) is widely available to employees of the credit union; and
 - (B) does not give preference to any officers of the credit union over other employees of the credit union.
- (3) The loan must be promptly reported to the credit union's board of directors.
- (4) A loan to the officer, the officer's immediate family, or the officer's related interests, either by itself or when added to the amounts of all other loans made under this section to the officer, the officer's immediate family, or the officer's related interests, for any purpose, may not exceed, at any given time, the greater of:

- (A) two and one-half percent (2.5%) of the credit union's capital and unimpaired surplus; or
- (B) twenty-five thousand dollars (\$25,000);

but in no event more than one hundred thousand dollars (\$100,000).

(b) The limits set forth in subsection (a)(4) do not apply to any of the following:

- (1) An extension of credit made under a line of credit approved under this section if the extension of credit is made not later than fourteen (14) months after the line of credit was approved.
- (2) A loan, in any amount, to finance the education of an officer's child.
- (3) A loan, in any amount, to finance or refinance the purchase, construction, maintenance, or improvement of a residence of an officer, if:
 - (A) the loan is secured by a first lien on the residence and the residence is owned, or will be owned after the loan is made, by the officer; and
 - (B) in the case of a refinancing, the loan includes only the amount used to repay the original loan, plus any closing costs and any additional amount used for any purpose described in this subdivision.
- (4) A loan, in any amount, secured by a perfected security interest in bonds, notes, certificates of indebtedness, or treasury bills of the United States or in other obligations fully guaranteed as to principal and interest by the United States.
- (5) A loan, in any amount, secured by a perfected security interest in a segregated deposit account in the lending credit union.

(c) A credit union may not make a loan under this section to an officer, the officer's immediate family, or the officer's related interests if the amount of the loan, either by itself or when added to the amounts of all other loans made under this section to the officer, the officer's immediate family, or the officer's related interests, exceeds the lending limits set forth in IC 28-7-1-39.

(d) The department may apply the provisions of 12 CFR 215 (Regulation O) in applying and administering this section."

Delete pages 55 through 57.

Page 58, delete lines 1 through 3.

Page 77, line 34, delete "If the order is not".

Page 77, delete lines 35 through 38.

Page 80, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 76. IC 28-11-5-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 10. (a) Subject to subsection (g), a financial institution subject to this chapter may:**

- (1) be organized as a limited liability company;
- (2) convert to a limited liability company; or
- (3) merge with or into a limited liability company;

under the laws of Indiana or the United States, including any rules or regulations adopted or promulgated under the laws of Indiana or the United States.

(b) A bank organized as a limited liability company is subject to:

- (1) IC 23-18; and
- (2) this title.

If a provision of IC 23-18 conflicts with a provision of this title or with any rule of the department, the provision of this title or the rule the department controls.

(c) Any filing required to be made under IC 23-18 shall be made in the same manner as for a bank that is organizing or is organized in stock form.

(d) The department may prescribe any requirements for:

- (1) the articles of organization; and
- (2) the operating agreement;

of a financial institution that is organized and operates as a limited liability company.

(e) The department has the exclusive authority under this title to regulate a financial institution organized as a limited liability company. A financial institution that is a limited liability company is subject to the department's authority in the same manner as a bank that is organized in stock form.

(f) A financial institution that is a limited liability company is subject to the provisions of this title that apply to banks, except for the provisions concerning corporate governance (IC 28-13), in the same manner as a financial institution that is organized in stock form, subject to the following:

- (1) In the case of a manager managed limited liability company, "director" means a manager of the limited liability company.
- (2) In the case of a member managed limited liability company, "director" means a member of the limited liability company.

(g) A financial institution may not:

- (1) organize as;
- (2) convert to; or
- (3) merge with or into;

a limited liability company without the prior approval of the department under this title."

Renumber all SECTIONS consecutively.

(Reference is to SB 352 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 171, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 13, after "was" insert ":

(A)".

Page 2, line 14, delete "27-7-6-12) or" and insert "**27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or**

(B)".

(Reference is to SB 171 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 307, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill 224, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-2-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.1. (a) As used in this section, "airborne emissions" means air emissions of greenhouse gases, sulfur, mercury, nitrogen based pollutants, or particulate matter that are:

- (1) emitted from an electric or steam generating facility;
- (2) associated with the combustion or use of coal or natural gas; and
- (3) regulated, or found by the commission to be reasonably certain to be regulated, by:
 - (A) the federal government;
 - (B) the state;
 - (C) a political subdivision of the state; or
 - (D) any agency of a unit of government described in clauses (A) through (C).

(~~a~~) (b) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used at a new or existing electric **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions; ~~of sulfur or nitrogen based pollutants associated with the combustion or use of coal;~~ and

- (2) that either:

(A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

(~~b~~) (c) As used in this section, "Indiana coal" means coal from a mine whose coal deposits are located in the ground wholly or partially in Indiana regardless of the location of the mine's tipple.

(~~c~~) (d) Except as provided in subsection (~~d~~); (e), the commission shall allow a utility to recover as operating expenses those expenses associated with:

- (1) research and development designed to increase use of Indiana coal; and
- (2) preconstruction costs (including design and engineering costs) associated with employing clean coal technology at

a new or existing coal burning electric **or steam** generating facility if the commission finds that the facility:

- (A) utilizes and will continue to utilize (as its primary fuel source) Indiana coal; or
- (B) is justified, because of economic considerations or governmental requirements, in utilizing non-Indiana coal;

after the technology is in place.

(d) (e) The commission may only allow a utility to recover preconstruction costs as operating expenses on a particular project if the commission awarded a certificate under IC 8-1-8.7 for that project.

(e) (f) The commission shall establish guidelines for determining recoverable expenses.

SECTION 2. IC 8-1-2-6.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.6. (a) As used in this section:

"Clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used at a new or existing electric **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions of sulfur or nitrogen based pollutants associated with combustion or use of coal; (as defined in section 6.1(a) of this chapter); and
- (2) that either:

- (A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or
- (B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

"Indiana coal" means coal from a mine whose coal deposits are located in the ground wholly or partially in Indiana regardless of the location of the mine's tipple.

"Qualified pollution control property" means an air pollution control device on a coal burning electric **or steam** generating facility or any equipment that constitutes clean coal technology that has been approved for use by the commission, that meets applicable state or federal requirements, and that is designed to accommodate the burning of coal from the geological formation known as the Illinois Basin.

"Utility" refers to any electric **or steam** generating utility allowed by law to earn a return on its investment.

(b) Upon the request of a utility that began construction after October 1, 1985, and before March 31, 2002, of qualified pollution control property that is to be used and useful for the public convenience, the commission shall for ratemaking purposes add to the value of that utility's property the value of the qualified pollution control property under construction, but only if at the time of the application and thereafter:

- (1) the facility burns only Indiana coal as its primary fuel source once the air pollution control device is fully operational; or
- (2) the utility can prove to the commission that the utility is justified because of economic considerations or governmental requirements in utilizing some non-Indiana coal.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 8-1-2-6.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.7. (a) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used in a new or existing electric **or stream** generating facility and directly or indirectly reduces **or avoids** airborne emissions of sulfur or nitrogen based pollutants associated with the combustion or use of coal; (as defined in section 6.1(a) of this chapter); and
- (2) that either:

- (A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or
- (B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

(b) The commission shall allow a public or municipally owned electric utility that incorporates clean coal technology to depreciate that technology over a period of not less than ten (10) years or the useful economic life of the technology, whichever is less and not more than twenty (20) years if it finds that the facility where the clean coal technology is employed:

- (1) utilizes and will continue to utilize (as its primary fuel source) Indiana coal; or
- (2) is justified, because of economic considerations or governmental requirements, in utilizing non-Indiana coal;

after the technology is in place.

SECTION 4. IC 8-1-2-6.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.8. (a) This section applies to a utility that begins construction of qualified pollution control property after March 31, 2002.

(b) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used in a new or existing energy **or steam** generating facility and directly or indirectly reduces airborne emissions of sulfur, mercury, or nitrogen oxides or other regulated air emissions associated with the combustion or use of coal; (as defined in section 6.1(a) of this chapter); and
- (2) that either:

- (A) was not in general commercial use at the same or greater scale in new or existing facilities in the United States at the time of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549); or
- (B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after the date of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549).

(c) As used in this section, "qualified pollution control property" means an air pollution control device on a coal burning energy **or steam** generating facility or any equipment that constitutes clean coal technology that has been approved for use by the commission and that meets applicable state or federal requirements.

(d) As used in this section, "utility" refers to any energy or steam generating utility allowed by law to earn a return on its investment.

(e) Upon the request of a utility that begins construction after March 31, 2002, of qualified pollution control property that is to be used and useful for the public convenience, the commission shall for ratemaking purposes add to the value of that utility's property the value of the qualified pollution control property under construction.

(f) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 5. IC 8-1-2-6.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 6.9. (a) As used in this section, "airborne emissions" has the meaning set forth in section 6.1(a) of this chapter.**

(b) As used in this section, "airborne emissions project" means a project designed to reduce or avoid airborne emissions from an existing electric generating facility. The term includes offset programs, such as agricultural and forestry activities that reduce the level of greenhouse gases in the atmosphere.

(c) As used in this section, "existing electric generating facility" means a facility that:

- (1) is used to generate electricity or steam;**
- (2) is associated with the combustion or use of coal or natural gas; and**
- (3) either:**
 - (A) commenced commercial operation; or**
 - (B) was certified by the commission under IC 8-1-8.5-2;**

before July 1, 2008.

(d) An energy utility (as defined in IC 8-1-2.5-2) may petition the commission for approval of the construction, installation, and operation of an airborne emissions project. If the commission finds, after notice and hearing, the proposed airborne emissions project to be reasonable and necessary, the commission shall approve the project and provide the following incentives:

- (1) The timely recovery of costs associated with the airborne emissions project, including capital, operating, maintenance, depreciation, tax, research and development, and financing costs incurred during the construction and operation of the airborne emissions project.**
- (2) The recovery of costs associated with:**
 - (A) the purchase of emissions allowances; or**
 - (B) the payment of emissions taxes arising from compliance with air emissions regulations.**

(e) In addition to the incentives described in subsection (d), the commission may provide any other financial incentives the commission considers appropriate.

SECTION 6. IC 8-1-8.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 8.4. Electric Line Facilities Projects

Sec. 1. The general assembly finds that it is in the public interest for the state to encourage:

- (1) investment in electric transmission and distribution infrastructure; and**
- (2) electricity suppliers' participation in a regional transmission organization;**

to ensure a reliable and economic electricity supply to Indiana consumers.

Sec. 2. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 3. As used in this chapter, "electric line facilities" means the following:

- (1) Overhead or underground electric transmission lines and related equipment.**
- (2) Overhead or underground electric distribution lines and related equipment.**
- (3) Electric substations and related equipment, including transformers, circuit breakers, and protection equipment.**

Sec. 4. As used in this chapter, "electric line facilities project" means the construction, operation, maintenance, reconstruction, relocation, addition to, upgrading of, or removal of electric line facilities.

Sec. 5. As used in this chapter, "electricity supplier" means a public utility that furnishes retail electric service to the public.

Sec. 6. As used in this chapter, "public utility" has the meaning set forth in IC 8-1-2-1.

Sec. 7. As used in this chapter, "regional transmission organization" refers to the regional transmission organization approved by the Federal Energy Regulatory Commission for the control area in which an electricity supplier owns electric line facilities.

Sec. 8. The commission shall encourage electric line facilities projects and participation in regional transmission organizations by creating the following financial incentives that the commission finds to be reasonable and necessary:

- (1) The timely recovery, by means of a periodic rate adjustment mechanism, of costs incurred by an electricity supplier taking service under a tariff of, or being assessed costs by, a regional transmission organization.**
- (2) The timely recovery, by means of a periodic rate adjustment mechanism, of costs incurred by an electricity supplier for an electric line facilities project.**
- (3) Other financial incentives the commission considers appropriate.**

Sec. 9. (a) An electricity supplier that seeks to receive one (1) or more financial incentives created under section 8 of this chapter must submit an application to the commission.

(b) Upon receipt of an application under subsection (a), the commission shall review the application for completeness. The commission may request additional information from an applicant as needed.

(c) The commission shall, after notice and hearing, issue a determination of an electricity supplier's eligibility for the financial incentives described in section 8 of this chapter not later than one hundred eighty (180) days after the date of the application.

(d) The commission shall approve an electricity supplier's application under this section if the electricity supplier's electric line facilities project is reasonable and necessary. An electric line facilities project is presumed to be reasonable and necessary if the electric line facilities project is consistent with, or part of, a plan developed by the regional transmission organization.

SECTION 7. IC 8-1-8.7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, "clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used in a new or existing electric ~~or steam~~ generating facility and directly or indirectly reduces ~~or avoids~~ airborne emissions ~~of sulfur or nitrogen based pollutants associated with the combustion or use of coal;~~ **(as defined in IC 8-1-2-6.1(a));** and

(2) that either:

(A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

SECTION 8. IC 8-1-8.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Except as provided in subsection (c), a public utility may not use clean coal technology at a new or existing electric generating facility without first applying for and obtaining from the commission a certificate that states that public convenience and necessity will be served by the use of clean coal technology.

(b) The commission shall issue a certificate of public convenience and necessity under subsection (a) if the commission finds that a clean coal technology project offers substantial potential of reducing ~~or avoiding sulfur or nitrogen based pollutants airborne emissions (as defined in IC 8-1-2-6.1(a))~~ in a more efficient manner than conventional technologies in general use as of January 1, 1989. For purposes of this chapter, a project that the United States Department of Energy has selected for funding under its Innovative Clean Coal Technology program and is finally approved for funding after December 31, 1988, is not considered a conventional technology in general use as of January 1, 1989. When determining whether to grant a certificate under this section, the commission shall examine the following factors:

(1) The costs for constructing, implementing, and using clean coal technology compared to the costs for conventional emission reduction facilities.

(2) Whether a clean coal technology project will also extend the useful life of an existing electric generating facility and the value of that extension.

(3) The potential reduction of ~~sulfur and nitrogen based pollutants airborne emissions (as defined in IC 8-1-2-6.1(a))~~ achieved by the proposed clean coal technology system.

(4) The reduction of ~~sulfur nitrogen based pollutants airborne emissions (as defined in IC 8-1-2-6.1(a))~~ that can be achieved by conventional pollution control

equipment.

(5) Federal ~~sulfur and nitrogen based~~ pollutant emission standards.

(6) The likelihood of success of the proposed project.

(7) The cost and feasibility of the retirement of an existing electric generating facility.

(8) The dispatching priority for the facility utilizing clean coal technology, considering direct fuel costs, revenues and expenses of the utility, and environmental factors associated with byproducts resulting from the utilization of the clean coal technology.

(9) Any other factors the commission considers relevant, including whether the construction, implementation, and use of clean coal technology is in the public's interest.

(c) A public utility is not required to obtain a certificate under this chapter for a clean coal technology project that constitutes a research and development project that may be expensed under IC 8-1-2-6.1.

SECTION 9. IC 8-1-8.8-3, AS AMENDED BY P.L.175-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter, "clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used in a new or existing energy production or generating facility and directly or indirectly reduces or avoids airborne emissions ~~of sulfur, mercury, or nitrogen oxides or other regulated air emissions associated with the combustion or use of coal;~~ **(as defined in IC 8-1-2-6.1(a));** and

(2) that either:

(A) was not in general commercial use at the same or greater scale in new or existing facilities in the United States at the time of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549); or

(B) has been selected by the United States Department of Energy for funding or loan guaranty under an Innovative Clean Coal Technology or loan guaranty program under the Energy Policy Act of 2005, or any successor program, and is finally approved for such funding or loan guaranty on or after the date of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549).

SECTION 10. IC 8-1-37 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 37. Renewable Energy Development

Sec. 1. The general assembly finds that it is in the public interest for the state to promote the development and use of renewable energy resources and advanced energy resources in Indiana in order to:

(1) diversify the resources used to reliably meet the energy needs of Indiana citizens;

(2) encourage private investment in renewable energy resources and advanced energy resources in Indiana;

(3) reduce greenhouse gas and other air emissions; and

(4) promote other environmentally sound and sustainable practices by electricity suppliers.

Sec. 2. (a) As used in this chapter, "advanced energy resources" includes the following sources and programs for the production or conservation of electricity:

(1) Combined heat and power systems that:

- (A) use natural gas or renewable energy resources as feedstock; and
- (B) achieve at least seventy percent (70%) overall efficiency.

(2) Demand side management or energy efficiency programs that:

- (A) reduce electricity consumption; or
- (B) implement load management or demand response technologies that shift customers' electric load from periods of higher demand to periods of lower demand.

(3) Waste coal.

(4) Clean coal and energy projects (as defined in IC 8-1-8.8-2).

(5) Other non carbon dioxide emitting or low carbon dioxide emitting electricity generating technologies, including integrated gasification combined cycle generation with the capability for carbon capture and sequestration through:

- (A) storage; or
- (B) enhanced oil recovery.

(b) The term includes transmission and distribution system extensions or upgrades necessary to accommodate the use of advanced energy resources.

(c) The term does not include energy from the incineration, burning, or heating of the following:

- (1) Tires.
- (2) Garbage.
- (3) General household, institutional, or commercial waste.
- (4) Industrial lunchroom or office waste.
- (5) Construction or demolition debris.
- (6) Feedstock that is municipal, food, plant, industrial, or animal waste from outside Indiana.

Sec. 3. As used in this chapter, "carbon offset" means the act of reducing or avoiding greenhouse gas emissions in one place through means:

- (1) other than the production of electricity; and
- (2) not related to the use of electricity;

in order to offset greenhouse gas emissions occurring at another place.

Sec. 4. As used in this chapter, "carbon offset equivalents" means the number of carbon offsets necessary to offset one (1) megawatt hour of electricity produced by a traditional coal fired power plant.

Sec. 5. (a) As used in this chapter, "electricity supplier" means a public utility (as defined in IC 8-1-2-1) that furnishes retail electric service to the public.

(b) The term does not include a utility that is:

- (1) a municipally owned utility (as defined in IC 8-1-2-1(h));
- (2) a corporation organized under IC 8-1-13; or
- (3) a corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1)

member that is a corporation organized under IC 8-1-13.

Sec. 6. As used in this chapter, "fund" refers to the advanced and renewable energy resources fund established by section 11 of this chapter.

Sec. 7. As used in this chapter, "renewable energy credit", or "REC", means one (1) megawatt hour of electricity that:

(1) is:

- (A) generated from a renewable energy resource described in section 8(a) of this chapter; or
- (B) conserved through the use of an advanced energy resource described in section 2(a)(2) of this chapter;
- (2) is quantifiable; and
- (3) is possessed by not more than one (1) entity at a time.

Sec. 8. (a) As used in this chapter, "renewable energy resources" means alternative sources of renewable energy, including the following:

- (1) Wind energy.
- (2) Solar energy.
- (3) Photovoltaic cells and panels.
- (4) Dedicated crops grown for energy production and used as:
 - (A) the sole fuel; or
 - (B) part of a co-firing application; in an energy generating facility.
- (5) Organic waste biomass, including any of the following organic matter that is available on a renewable basis:
 - (A) Agricultural crops.
 - (B) Agricultural wastes and residues.
 - (C) Wood and wood wastes (other than treated or painted lumber) including the following:
 - (i) Wood residues.
 - (ii) Forest thinnings.
 - (iii) Mill residue wood.
 - (iv) Waste from construction and demolition.
 - (D) Animal wastes.
 - (E) Aquatic plants.

(6) Hydropower from existing dams.

(7) Fuel cells.

(8) Energy from waste to energy facilities that produce steam that is not used for the production of electricity.

(9) Methane systems that convert waste products, including animal, food, and plant waste, into electricity.

(10) Methane recovered from landfills or underground coal mines.

(11) Ocean current or wave energy.

(12) Any other sources that:

- (A) are included in any applicable federal renewable resource portfolio standard; or
- (B) become available through future developments in renewable energy technologies.

(b) The term includes transmission and distribution system extensions or upgrades necessary to accommodate the use of renewable energy resources.

(c) Except for a renewable energy resource described in subsection (a)(8), the term does not include energy from the

incineration, burning, or heating of the following:

- (1) Tires.
- (2) Garbage.
- (3) General household, institutional, or commercial waste.
- (4) Industrial lunchroom or office waste.
- (5) Feedstock that is municipal, food, plant, industrial, or animal waste from outside Indiana.

Sec. 9. (a) Subject to subsection (b), each electricity supplier shall supply electricity that is generated from, or otherwise qualifies as, a renewable energy resource or an advanced energy resource to Indiana retail customers as a percentage of the total electricity supplied by the electricity supplier to Indiana retail customers during a calendar year as follows:

- (1) Not later than the calendar year ending December 31, 2012, at least two percent (2%) of the electricity supplier's Indiana retail sales for the calendar year ending December 31, 2011.
- (2) Not later than the calendar year ending December 31, 2016, at least four percent (4%) of the electricity supplier's Indiana retail sales for the calendar year ending December 31, 2011.
- (3) Not later than the calendar year ending December 31, 2020, and for all years thereafter, at least six percent (6%) of the electricity supplier's Indiana retail sales for the immediately preceding calendar year.

For purposes of this subsection, electricity is measured in megawatt hours.

(b) An electricity supplier may not use an advanced energy resource to supply more than fifty percent (50%) of the electricity that the electricity supplier is required to supply under subsection (a).

(c) An electricity supplier may own or purchase RECs or carbon offset equivalents to comply with subsection (a).

(d) If an electricity supplier exceeds the applicable percentage under subsection (a) in a compliance year, the electricity supplier may carry forward the amount of electricity that:

- (1) exceeds the applicable percentage under subsection (a); and
- (2) is generated from, or otherwise qualifies as, a renewable energy resource or an advanced energy resource;

to comply with the requirement under subsection (a) for either or both of the two (2) immediately succeeding compliance years.

(e) An electricity supplier that fails to comply with subsection (a) shall deposit in the fund an amount equal to:

- (1) the number of megawatt hours of electricity that the electricity supplier was required to but failed to supply under subsection (a); multiplied by
- (2) twenty dollars (\$20).

(f) An electricity supplier is not required to comply with subsection (a) if the commission determines that the electricity supplier has demonstrated that:

- (1) advanced energy resources, renewable energy resources, RECs, or carbon offset equivalents are not

available to the electricity supplier in sufficient quantities to allow the electricity supplier to comply with subsection (a); or

(2) the cost of compliance with subsection (a) using the advanced energy resources, renewable energy resources, RECs, or carbon offset equivalents available to the electricity supplier would result in an unreasonable increase in the basic rates and charges for electricity supplied to retail customers of the electricity supplier.

The commission shall conduct a public hearing to make a determination under this subsection.

(g) The commission shall allow an electricity supplier to recover, through a periodic rate adjustment mechanism, reasonable and necessary costs incurred in:

- (1) constructing, operating, or maintaining facilities to comply with this chapter;
- (2) generating electricity from, or purchasing electricity generated from, an advanced energy resource or renewable energy resource;
- (3) purchasing RECs or carbon offset equivalents; or
- (4) complying with any applicable federal renewable resource portfolio requirements.

Sec. 10. (a) The commission shall encourage electricity suppliers to meet or exceed the requirements set forth in section 9(a) of this chapter by:

- (1) providing additional financial incentives for electricity suppliers to use advanced energy resources and renewable energy resources in their resource portfolios; and
- (2) authorizing electricity suppliers to use alternative regulatory plans under IC 8-1-2.5.

(b) The financial incentives authorized by subsection (a) may include one (1) or more of the following:

- (1) Enhanced returns on equity.
- (2) Capitalization of and returns for program expenses.
- (3) Incentives based on the sharing of achieved program savings.
- (4) Incentives based on avoided costs resulting from achieved program results.

(c) The commission shall also encourage the research, development, and implementation of additional environmentally sound and sustainable projects and practices by electricity suppliers, including projects and practices that exceed applicable federal and state environmental requirements, by means of:

- (1) timely cost recovery through periodic rate adjustment mechanisms;
- (2) the authorization to use alternative regulatory plans under IC 8-1-2.5; and
- (3) other financial incentives the commission considers appropriate;

if the commission determines that the projects or practices proposed by an electricity supplier are reasonable.

Sec. 11. (a) The advanced and renewable energy resources fund is established to:

- (1) support the development, construction, and use of advanced energy resources and renewable energy

resources, including small scale advanced energy resources and renewable energy resources, in rural and urban Indiana; and

(2) reimburse the Indiana economic development corporation and the commission for expenses incurred under section 12 of this chapter.

(b) The fund consists of the following:

(1) Money deposited under section 9(e) of this chapter.

(2) Money from any other source that is deposited in the fund.

(c) The Indiana economic development corporation shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 12. (a) This section applies if there is sufficient money in the fund established by section 11 of this chapter to reimburse the Indiana economic development corporation and the commission for expenses incurred under subsection (b).

(b) The Indiana economic development corporation, in consultation with the commission, shall develop a strategy to attract renewable energy manufacturing facilities, including wind turbine component manufacturers, to Indiana.

Sec. 13. Beginning in 2013, not later than April 30 of each year, an electricity supplier shall file with the commission a report of the electricity supplier's compliance with this chapter for the preceding calendar year, along with the estimated impact on the electricity supplier's revenues from residential, commercial, and industrial customers as a result of the electricity supplier's compliance with this chapter.

Sec. 14. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

(Reference is to SB 224 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 336, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "family practice physician;" and insert "internal medicine physician with expertise in the area of cardiovascular accidents;"

Page 2, line 2, delete "." and insert "and who has experience in the area of cardiovascular accidents;"

(Reference is to SB 336 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 7.

Page 8, delete lines 1 through 7.

Page 8, line 15, delete "the person" and insert "a person with a primary business purpose of entering into health care contracts with providers."

Page 8, delete line 16.

Page 8, line 19, after "Sec. 4." insert "(a)".

Page 8, between lines 28 and 29, begin a new paragraph and insert:

"(b) The term does not include the following:

(1) Accident-only, credit, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy issued as an individual policy.

(6) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

(7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement."

Page 8, delete lines 36 through 42, begin a new paragraph and insert:

"Sec. 6. A contractor may not lease, rent, or otherwise grant access to a provider's health care services under a health care contract unless the contractor complies with one (1) of the following:

(1) The third party to which the access is granted is:

(A) an employer or another entity providing coverage for health care services to the employer's or entity's employees or members and the entity has a contract with the contractor or the contractor's affiliate for the administration or processing of claims for payment or service provided under the health care contract; or

(B) an affiliate or a subsidiary of the contractor or providing administrative services to or receiving administrative services from the contractor or the contractor's affiliate or subsidiary.

(2) The:

(A) health care contract specifically states that the contractor may lease, rent, or otherwise grant access

to the provider's health care services under the contract;

(B) party accessing the contract is:

(i) a payer or third party administrator or another entity that administers claims on behalf of the payer;

(ii) a preferred provider organization or preferred provider network, including a physician-hospital organization; or

(iii) an entity engaged in the electronic claims transport between the contractor and the payer; and

(C) entity that is granted access to the provider's health care services under the health care contract is obligated to comply with all the applicable terms of the contract.

Sec. 7. A contractor that leases, rents, or otherwise grants access to a provider's health care services as described in section 6(2) of this chapter shall maintain an Internet web page or a toll free telephone number through which the provider may obtain a listing, updated at least semiannually, of the entities to which access to the provider's health care services has been granted.

`Sec. 8. A contractor that rents, leases, or otherwise grants access to a provider's health care services under section 6(1) or 6(2) of this chapter shall ensure that an explanation of benefits or remittance advice furnished to the provider that delivers health care services under the health care contract identifies the contractual source of any discount that applies.

Sec. 9. Subject to applicable continuity of care requirements, a third party's right to exercise a contractor's rights and responsibilities under a health care contract terminates on the date that the health care contract is terminated.

Sec. 10. A health care contract may provide for arbitration of disputes arising under this chapter."

Delete page 9.

Page 10, delete lines 1 through 13.

Page 10, line 16, delete "or a third party agreement (as defined in".

Page 10, line 17, delete "IC 27-1-37.3-6)".

Renumber all SECTIONS consecutively.

(Reference is to SB 159 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 10.

Page 11, delete lines 1 through 30.

Renumber all SECTIONS consecutively.

(Reference is to SB 4 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 329, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 302, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-42-21-3, AS AMENDED BY P.L.157-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter, "practitioner" means any of the following:

(1) A licensed physician.

(2) A dentist licensed to practice dentistry in Indiana.

(3) A podiatrist licensed to practice podiatry in Indiana.

(4) A veterinarian licensed to practice veterinary medicine in Indiana.

(5) An optometrist who is:

(A) licensed to practice optometry in Indiana; and

(B) certified under IC 25-24-3.

(6) An advanced practice nurse licensed and granted the authority to prescribe legend drugs under IC 25-23."

Page 4, delete lines 1 through 12, begin a new paragraph and insert:

"SECTION 3. IC 25-1-14-2, AS ADDED BY P.L.179-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. **(a)** A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

(1) **except as provided in subsection (b)**, at which at least a quorum is physically present at the place where the meeting is conducted; and

(2) by using a means of communication that permits:

(A) all other members participating in the meeting; and

(B) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9 or IC 25-1-11 by using a means of communication

that permits:

- (1) all other members participating in the meeting; and
- (2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

SECTION 4. IC 25-2.1-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The board consists of six (6) members appointed by the governor.

(b) ~~Four~~ **(5)** members must meet the following conditions:

- (1) Be a resident of Indiana.
- (2) Be a certified public accountant under IC 25-2.1-3 or IC 25-2.1-4.

~~(c) One~~ **(1)** member must meet the following conditions:

- ~~(1) Be a resident of Indiana.~~
- ~~(2) Be certified as a public accountant or an accounting practitioner under IC 25-2.1-6.~~

~~(d) (c)~~ One (1) member must meet the following conditions:

- (1) Be a resident of Indiana.
- (2) Be a consumer who is not certified under this article but has professional or practical experience in the use of accounting services and financial statements that qualify the individual to make judgments about the qualifications and conduct of individuals and firms under this article."

Page 4, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 6. IC 25-2.1-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The board shall issue a CPA certificate to a holder of a certificate issued by another state if the holder meets the requirements under subsection (b) or (c).

(b) With regard to applicants who do not qualify for reciprocity under the substantial equivalency standard set forth in section 10(a)(2) of this chapter, the board shall issue a CPA certificate to a holder of a certificate issued by another state upon a showing that:

- (1) the applicant has:
 - (A) passed the examination required for issuance of the applicant's certificate; and
 - (B) the applicant:
 - (i) had four (4) years of experience in Indiana or another state of the type described in IC 25-2.1-3-10 or meets equivalent requirements prescribed by the board after passing the examination on which the applicant's certificate was based and during the ten (10) years immediately preceding the applicant's application; and
 - (ii) if the applicant's certificate was issued by the other state more than four (4) years before the application for issuance of an initial certificate under this chapter, fulfilled the requirements for continuing professional education that would have been applicable under section 5 of this chapter.

(c) The board shall issue a CPA certificate to a CPA certified by another state ~~that seeks to establish the individual's principal place of business in Indiana if the:~~

- ~~(1) individual requests the issuance of a certificate from the~~

~~board before establishing the individual's principal place of business in Indiana; and~~

~~(2) board or its designee if the board determines that the individual's CPA qualifications are substantially equivalent to the CPA licensure requirements of Indiana."~~

Page 20, line 22, delete "[EFFECTIVE JULY 1, 2007]" and insert "[EFFECTIVE JULY 1, 2008]".

Page 27, line 25, delete "competence." and insert "**competence as provided under section 2.7 of this chapter.**".

Page 28, line 8, delete "competency, as determined by the board," and insert "**competency**".

Page 29, line 2, delete "provisional license," and insert "**individualized practice reentry program,**".

Page 29, line 8, delete "shall terminate the applicant's" and insert "**may take disciplinary action against an applicant who holds a**".

Page 29, between lines 20 and 21, begin a new line block indented and insert:

"(4) A violation of IC 25-1-9."

Page 29, line 21, delete "If the board terminates a provisional license under subsection" and insert "**The holder of a provisional license may petition the board for modification, withdrawal, or retirement of the provisional license.**".

Page 29, delete lines 22 through 26.

Page 30, line 7, delete "may have the license reinstated by".

Page 30, line 8, delete "meeting the requirements for reinstatement" and insert "**must meet the requirements for reinstatement established by the board**".

Page 39, line 31, strike "(1)".

Renumber all SECTIONS consecutively.

(Reference is to SB 302 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 143, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-0.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.8. "Abatement" has the meaning set forth in IC 13-11-2-0.5.**

SECTION 2. IC 12-7-2-34.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 34.1. "Clearance examination" means an activity conducted by a clearance examiner who is licensed under IC 13-17-14 to establish proper completion of interim controls (as defined in 24 CFR 35.110).**

SECTION 3. IC 12-7-2-122.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 122.4. "Lead-based paint" has the meaning set forth in IC 13-11-2-118.3.

SECTION 4. IC 12-7-2-169.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 169.8. "Risk assessment" means:

- (1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and
- (2) the provision of a report by the individual or the firm conducting the investigation explaining the results of the investigation and options for reducing lead-based paint hazards.

SECTION 5. IC 12-17.2-3.5-11.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11.4. (a) Before enrollment of a child who is at least nine (9) months of age in a child care program, a provider shall obtain from the parent or guardian of the child documentation of a blood lead level test of the child.

(b) If a child is enrolled in a child care program before the child is nine (9) months of age, the provider shall obtain from the parent or guardian of the child documentation of a blood lead level test of the child performed during the period beginning on the date the child becomes nine (9) months of age and ending on the date the child becomes fourteen (14) months of age.

SECTION 6. IC 12-17.2-3.5-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11.5. (a) This section applies after July 1, 2011.

(b) Except as provided in subsection (c), a provider that operates a child care program in a building that was built before 1978 shall:

(1) ensure that the part of the building that is occupied by children is evaluated by means of:

- (A) an initial risk assessment not later than December 31, 2011; and
- (B) a clearance examination at least biennially after December 31, 2011;

by a person who is licensed under IC 13-17-14; and

(2) if a lead hazard is found, keep children out of the area with the lead hazard until the lead hazard is remediated and the area is demonstrated to be lead hazard free through a clearance examination.

(c) A provider described in subsection (b) is not required to comply with subsection (b) if:

- (1) the provider has a lead-based paint inspection conducted under IC 13-17-14 with respect to the part of the building that is occupied by children; and
- (2) one (1) of the following applies:

(A) The lead-based paint inspection results indicate that no lead-based paint exists in the part of the building that is occupied by children.

(B) Abatement of any lead-based paint hazard that existed in the part of the building that is occupied by children has occurred.

(d) A provider shall ensure that at least one (1) individual who is employed at the facility where the provider operates a child care program attends training concerning lead hazards, including a lead-based paint rules awareness course approved by the department of environmental management, and does the following:

- (1) Provides current lead hazard education to parents, guardians, caregivers, and employees at the facility where the provider operates a child care program.
- (2) Maintains current knowledge concerning product recalls related to lead hazards.
- (3) Performs regular child care program facility assessments to identify lead hazards.
- (4) Acts to remove or remediate any lead hazards from the child care program facility.

(e) An employee at the facility where the operator operates a child care program who performs the employee's duties under subsection (d) in good faith and the provider that employs the employee are immune from civil liability related to the performance of the duties. This subsection does not apply to an act or omission that amounts to gross negligence or willful or wanton misconduct.

SECTION 7. IC 12-17.2-4-18.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18.2. (a) Before enrollment of a child who is at least nine (9) months of age at a child care center, the child care center shall obtain from the parent or guardian of the child documentation of a blood lead level test of the child.

(b) If a child is enrolled at a child care center before the child is nine (9) months of age, the child care center shall obtain from the parent or guardian of the child documentation of a blood lead level test of the child performed during the period beginning on the date the child becomes nine (9) months of age and ending on the date the child becomes fourteen (14) months of age.

SECTION 8. IC 12-17.2-4-18.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18.3. (a) This section applies after July 1, 2011.

(b) Except as provided in subsection (c), a child care center that is located in a building that was built before 1978 shall:

(1) ensure that the part of the building that is occupied by children is evaluated by means of:

- (A) an initial risk assessment not later than December 31, 2011; and
- (B) a clearance examination at least biennially after December 31, 2011;

by a person who is licensed under IC 13-17-14; and

(2) if a lead hazard is found, keep children out of the area with the lead hazard until the lead hazard is remediated and the area is demonstrated to be lead hazard free through a clearance examination.

(c) A child care center is not required to comply with subsection (b) if:

(1) the child care center has a lead-based paint inspection conducted under IC 13-17-14 with respect to the part of the building that is occupied by children;

and

(2) one (1) of the following applies:

(A) The lead-based paint inspection results indicate that no lead-based paint exists in the part of the building that is occupied by children.

(B) Abatement of any lead-based paint hazard that existed in the part of the building that is occupied by children has occurred.

(d) A child care center shall ensure that at least one (1) employee of the child care center:

(1) attends training concerning lead hazards, including a lead-based paint rules awareness course approved by the department of environmental management; and

(2) does the following:

(A) Provides current lead hazard education to parents, guardians, caregivers, and child care center employees.

(B) Maintains current knowledge concerning product recalls related to lead hazards.

(C) Performs regular child care center facility assessments to identify lead hazards.

(D) Acts to remove or remediate any lead hazards from the child care center facility.

(e) An employee of a child care center who performs the employee's duties under subsection (d) in good faith and the child care center that employs the employee are immune from civil liability related to the performance of the duties. This subsection does not apply to an act or omission that amounts to gross negligence or willful or wanton misconduct.

SECTION 9. IC 12-17.2-5-18.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18.3. (a) Before enrollment of a child who is at least nine (9) months of age in a child care home, the child care home shall obtain from the parent or guardian of the child documentation of a blood lead level test of the child.

(b) If a child is enrolled at a child care home before the child is nine (9) months of age, the child care home shall obtain from the parent or guardian of the child documentation of a blood lead level test of the child performed during the period beginning on the date the child becomes nine (9) months of age and ending on the date the child becomes fourteen (14) months of age.

SECTION 10. IC 12-17.2-5-18.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18.4. (a) This section applies after July 1, 2011.

(b) Except as provided in subsection (c), a child care home that is located in a building that was built before 1978 shall:

(1) ensure that the part of the building that is occupied by children is evaluated by means of:

(A) an initial risk assessment not later than December 31, 2011; and

(B) a clearance examination at least biennially after December 31, 2011;

by a person who is licensed under IC 13-17-14; and

(2) if a lead hazard is found, keep children out of the area with the lead hazard until the lead hazard is

remediated and the area is demonstrated to be lead hazard free through a clearance examination.

(c) A child care home is not required to comply with subsection (b) if:

(1) the child care home has a lead-based paint inspection conducted under IC 13-17-14 with respect to the part of the building that is occupied by children; and

(2) one (1) of the following applies:

(A) The lead-based paint inspection results indicate that no lead-based paint exists in the part of the building that is occupied by children.

(B) Abatement of any lead-based paint hazard that existed in the part of the building that is occupied by children has occurred.

(d) A child care home shall ensure that at least one (1) employee of the child care home:

(1) attends training concerning lead hazards, including a lead-based paint rules awareness course approved by the department of environmental management; and

(2) does the following:

(A) Provides current lead hazard education to parents, guardians, caregivers, and child care home employees.

(B) Maintains current knowledge concerning product recalls related to lead hazards.

(C) Performs regular child care home facility assessments to identify lead hazards.

(D) Acts to remove or remediate any lead hazards from the child care home facility.

(e) An employee of a child care home who performs the employee's duties under subsection (d) in good faith and the child care home that employs the employee are immune from civil liability related to the performance of the duties. This subsection does not apply to an act or omission that amounts to gross negligence or willful or wanton misconduct.

SECTION 11. IC 12-17.2-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) Before enrollment of a child who is at least nine (9) months of age in a child care ministry, the child care ministry shall obtain from the parent or guardian of the child documentation of a blood lead level test of the child.

(b) If a child is enrolled at a child care ministry before the child is nine (9) months of age, the child care ministry shall obtain from the parent or guardian of the child documentation of a blood lead level test of the child performed during the period beginning on the date the child becomes nine (9) months of age and ending on the date the child becomes fourteen (14) months of age.

SECTION 12. IC 12-17.2-6-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) This section applies after July 1, 2011.

(b) Except as provided in subsection (c), a child care ministry that is located in a building that was built before 1978 shall:

(1) ensure that the part of the building that is occupied by children is evaluated by means of:

(A) an initial risk assessment not later than December 31, 2011; and

(B) a clearance examination at least biennially after December 31, 2011;

by a person who is licensed under IC 13-17-14; and

(2) if a lead hazard is found, keep children out of the area with the lead hazard until the lead hazard is remediated and the area is demonstrated to be lead hazard free through a clearance examination.

(c) A child care ministry is not required to comply with subsection (b) if:

(1) the child care ministry has a lead-based paint inspection conducted under IC 13-17-14 with respect to the part of the building that is occupied by children; and

(2) one (1) of the following applies:

(A) The lead-based paint inspection results indicate that no lead-based paint exists in the part of the building that is occupied by children.

(B) Abatement of any lead-based paint hazard that existed in the part of the building that is occupied by children has occurred.

(d) A child care ministry shall ensure that at least one (1) employee of the child care ministry:

(1) attends training concerning lead hazards, including a lead-based paint rules awareness course approved by the department of environmental management; and

(2) does the following:

(A) Provides current lead hazard education to parents, guardians, caregivers, and child care ministry employees.

(B) Maintains current knowledge concerning product recalls related to lead hazards.

(C) Performs regular child care ministry facility assessments to identify lead hazards.

(D) Acts to remove or remediate any lead hazards from the child care ministry facility.

(e) An employee of a child care ministry who performs the employee's duties under subsection (d) in good faith and the child care ministry that employs the employee are immune from civil liability related to the performance of the duties. This subsection does not apply to an act or omission that amounts to gross negligence or willful or wanton misconduct."

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 16. IC 16-18-2-116.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 116.2.** "Environmental investigation" means an identification and evaluation of lead hazards from nonstructural sources in a child's environment. The term includes the following:

(1) Presentation of results of the identification and evaluation, including recommendations for reducing or eliminating exposure.

(2) Education of the child's family concerning:

(A) lead hazards found; and

(B) temporary and permanent measures to protect the child from further exposure."

Page 2, line 25, delete "has the meaning set" and insert "refers to the childhood lead poisoning prevention fund established by IC 16-41-39.4-3.1."

Page 2, delete line 26.

Page 3, line 6, after "removal" insert "or remediation, including the use of interim controls,".

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 21. IC 16-18-2-315.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 315.8.** "Remediation" means actions that constitute:

(1) abatement (as defined in IC 13-11-2-0.5); or

(2) interim control (as defined in 24 CFR 35.110); of a lead hazard.

SECTION 22. IC 16-18-2-316.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 316.4.** "Rental unit" has the meaning set forth in IC 32-31-3-8.

SECTION 23. IC 16-18-2-349.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 349.5.** "Tenant" has the meaning set forth in IC 32-31-3-10."

Page 3, line 41, delete "If" and insert "Except as provided in subsection (d), if".

Page 3, line 42, after "information" insert "within ten (10) days".

Page 4, between lines 6 and 7, begin a new paragraph and insert:

"(d) Subsection (c) does not apply to a person who acts in good faith to provide a complete report required under subsection (a), but who:

(1) is unable to collect all of the information required for a complete report; or

(2) provides incorrect information on a completed report."

Page 4, line 7, delete "(d)" and insert "(e)".

Page 4, line 19, delete "(a) As used in this section,".

Page 4, delete lines 20 through 21.

Page 4, line 22, delete "(b)" and insert "(a)".

Page 4, run in lines 19 through 22.

Page 4, line 26, delete "(c)" and insert "(b)".

Page 4, line 28, delete "(d)" and insert "(c)".

Page 4, line 32, delete "(e)" and insert "(d)".

Page 4, line 36, delete "(f)" and insert "(e)".

Page 5, line 13, after "builders" insert "or remodelers".

Page 6, line 8, after "inspectors," insert "risk assessors, clearance examiners, individuals who are trained in lead safe work practices,".

Page 6, line 12, after "abatement" insert ", remediation,".

Page 6, line 12, delete "." and insert ", including interim controls,".

Page 6, line 21, after "abatement" insert ", remediation, including interim controls,".

Page 6, line 23, after "staff" insert **"and provide administrative and logistical support to"**.

Page 6, line 23, delete "." and insert **", including conference telephone capability for meetings of the advisory council."**.

Page 6, delete lines 24 through 33.

Page 6, line 34, delete "(h)" and insert **"(f)"**.

Page 6, line 40, delete "(i)" and insert **"(g)"**.

Page 7, delete lines 5 through 6.

Page 7, line 7, delete "(2)" and insert **"(1)"**.

Page 7, line 9, delete "(3)" and insert **"(2)"**.

Page 7, line 13, delete "(4)" and insert **"(3)"**.

Page 7, line 26, delete "is:" and insert **":"**.

Page 7, line 27, delete "intended primarily for use by a child;" and insert **"is a banned hazardous substance under the federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)); or**

(2) has been determined by the state department to:

(A) have a lead content that is greater than the lesser of the lead content specifications for lead paint in 16 CFR 1303.2 or state law; or

(B) pose a danger of childhood lead poisoning because the product, material, or packaging is reasonably expected to be accessible to, chewed by, or ingested by a child who is less than seven (7) years of age."

Page 7, delete lines 28 through 42.

Page 8, delete lines 1 through 19.

Page 8, line 20, delete "(e)" and insert **"(d)"**.

Page 8, delete lines 25 through 38, begin a new line blocked left and insert:

"has reason to believe that a person has violated this section, the state department may, with or without a prior hearing, issue to the person a cease and desist order if the commissioner determines a cease and desist order is in the public interest. In addition to all other remedies, the commissioner may bring an action in the name and on behalf of the state against the person to enjoin the person from violating this section.

(e) The state department or a local health department may at any time during regular business hours inspect any premises where consumer products are sold, offered for sale, or distributed to establish compliance with this section."

Page 8, line 39, delete "(g)" and insert **"(f)"**.

Page 8, delete lines 41 through 42.

Page 9, line 1, delete "(i)" and insert **"(g)"**.

Page 9, line 7, delete "without the requirement to satisfy subsection (d)".

Page 9, line 9, after ";" insert **"or"**.

Page 9, line 10, after "item" insert **"or signage"**.

Page 9, line 11, delete "or" and insert **"and"**.

Page 9, delete lines 12 through 14.

Page 9, delete lines 16 through 42.

Page 10, delete lines 1 through 13.

Page 10, line 23, delete "comply with the" and insert **":"**

(1) be consistent with the federal Department of Housing and Urban Development Lead Safe Housing Rule requirements for lead safe work practices training (24 CFR 53.1330(a)(4)); and

(2) provide for training courses taught in English and

Spanish."

Page 10, delete lines 24 through 25.

Page 10, line 29, after "determines" insert **", based on an environmental investigation,"**.

Page 10, line 40, delete "rented to" and insert **"occupied by"**.

Page 11, line 8, delete "housing" and insert **"rental"**.

Page 11, line 10, delete "housing" and insert **"rental"**.

Page 11, line 11, delete "housing" and insert **"rental"**.

Page 11, line 13, delete "housing" and insert **"rental"**.

Page 11, line 21, delete "housing" and insert **"rental"**.

Page 11, between lines 23 and 24, begin a new line blocked left and insert:

"An owner's obligation to relocate a tenant under this subsection ends on the earlier of the date that remediation of the lead hazard is completed or the date that the rental agreement expires."

Page 11, line 24, delete "housing" and insert **"rental"**.

Page 11, line 27, delete "There is a rebuttable presumption that an" and insert **"An"**.

Page 11, line 28, delete ":" and insert **", during the term of the rental agreement and without cause:"**.

Page 11, line 31, delete ";" and insert **":"**.

Page 11, delete lines 32 through 33.

Page 11, line 34, delete "(g) The" and insert **"SECTION 29. IC 16-41-39.4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section does not apply with respect to a rental unit that was built before 1978 and on which a lead-based paint inspection was performed before July 1, 2008 by a lead-based paint inspector or risk assessor licensed under IC 13-17-14.**

(b) Beginning July 1, 2012, the"

Page 11, line 34, delete "housing".

Page 11, line 39, delete "housing" and insert **"rental"**.

Page 12, line 2, delete "housing" and insert **"rental"**.

Page 12, line 2, delete "2009." and insert **"2013."**

Page 12, line 3, delete "housing" and insert **"rental"**.

Page 12, line 4, delete "2011." and insert **"2015."**

Page 12, line 5, delete "housing" and insert **"rental"**.

Page 12, line 6, delete "2013." and insert **"2017."**

Page 12, line 7, delete "housing" and insert **"rental"**.

Page 12, line 8, delete "2015." and insert **"2019."**

(c) The owner of a rental unit shall report to a prospective buyer the presence of lead-based paint on the disclosure form required by IC 32-21-5-10."

Page 12, delete lines 9 through 15, begin a new paragraph and insert:

"SECTION 30. IC 32-21-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

(A) The foundation.

(B) The mechanical systems.

(C) The roof.

(D) The structure.

(E) The water and sewer systems.

(F) Additions that may require improvements to the sewage disposal system.

(G) The presence of lead-based paint (as defined in IC 13-11-2-118.3).

~~(G)~~ **(H)** Other areas that the Indiana real estate commission determines are appropriate.

(2) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property."

(3) A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner."

(4) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

SECTION 31. IC 34-30-2-44.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 44.2. The following:**

(1) IC 12-17.2-3.5-11.5 (Concerning lead hazard activities).

(2) IC 12-17.2-4-18.3 (Concerning lead hazard activities).

(3) IC 12-17.2-5-18.4 (Concerning lead hazard activities).

(4) IC 12-17.2-6-17 (Concerning lead hazard activities).

SECTION 32. [EFFECTIVE JULY 1, 2008] **The division of family resources established by IC 12-13-1-1 shall, not later than April 1, 2009, adopt rules under IC 4-22-2 to implement IC 12-17.2-3.5-11.5, IC 12-17.2-4-18.3, IC 12-17.2-5-18.4, and IC 12-17.2-6-17, all as added by this act.**

Renumber all SECTIONS consecutively.

(Reference is to SB 143 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 152, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 1 through 5.

Page 2, line 6, delete "(e)" and insert **"(d)"**.

(Reference is to SB 169 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill 359, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Replace the effective date in SECTION 20 with "[EFFECTIVE JANUARY 1, 2012]".

Page 2, line 18, delete "July" and insert **"January"**.

Page 4, line 13, delete "July" and insert **"January"**.

Page 4, line 33, delete "July" and insert **"January"**.

Page 6, line 32, delete "July" and insert **"January"**.

Page 12, line 16, delete "July" and insert **"January"**.

Page 12, line 18, delete "July" and insert **"January"**.

Page 14, line 14, delete "July" and insert **"January"**.

Page 17, line 24, delete "service and" and insert **"service, including"**.

Page 19, line 32, delete "revenues and expenditures associated with the operation" and insert **"collection, disbursement, and use of the enhanced 911 fee."**

(6) Commission periodic audits of eligible PSAPs, as required by section 35(d) of this chapter."

Page 19, delete lines 33 through 35.

Page 19, line 36, delete "(6)" and insert **"(7)"**.

Page 19, line 41, delete "(7)" and insert **"(8)"**.

Page 20, between lines 11 and 12, begin a new line block indented and insert:

"(5) Make grants from the fund to the appropriate state agencies for use in upgrading the state's emergency alert system to include:

(A) an enhanced satellite based network; or

(B) other appropriate technology and equipment necessary to make the emergency alert system effective on a timely basis in all parts of Indiana.

However, the board is authorized to make a grant under this subdivision only to the extent that it does not

impair the board's ability to make the distributions to counties required under section 33 of this chapter."

Page 20, line 12, delete "(5)" and insert "(6)".

Page 20, delete lines 13 through 18.

Page 20, line 19, delete "(6)" and insert "(7)".

Page 20, line 21, delete "September 1, 2008," and insert **"January 1, 2009,"**.

Page 20, between lines 20 and 21, begin a new paragraph and insert:

"(c) The board is subject to the procurement procedures set forth IC 5-22."

Page 21, line 24, delete "two (2) years" and insert **"twelve (12) months"**.

Page 21, between lines 35 and 36, begin a new line block indented and insert:

"(5) Money transferred to the fund under subsection (f)."

Page 22, line 19, after "fund" insert **", including money described in subsection (b)(4)."**

Page 22, line 19, after "year" insert **"or at any other time"**.

Page 22, line 20, delete "." and insert **"or any other fund."**

Page 22, between lines 20 and 21, begin a new paragraph and insert:

"(f) Any funds that remain in the wireless emergency telephone system fund established by IC 36-8-16.5-21 (before its repeal on July 1, 2008) on July 1, 2008, shall be transferred by the treasurer of state to the fund."

Page 22, line 26, delete "two (2) years," and insert **"twelve (12) months,"**.

Page 22, line 31, delete "collected:" and insert **"collected do not exceed the amount reasonably necessary to provide adequate and efficient enhanced 911 service."**

Page 22, delete lines 32 through 35.

Page 23, line 2, delete "Except as provided in subsection (c), beginning" and insert **"Beginning"**.

Page 23, delete lines 9 through 15.

Page 23, line 16, delete "(d)" and insert **"(c)"**.

Page 23, line 18, delete "(e)" and insert **"(d)"**.

Page 23, line 22, delete "(f)" and insert **"(e)"**.

Page 23, line 33, delete "(g)" and insert **"(f)"**.

Page 23, line 36, delete "(h)" and insert **"(g)"**.

Page 24, line 14, delete "one (1) time" and insert **"two (2) times"**.

Page 25, line 17, delete "one and four-tenths cents" and insert **"two percent (2%)"**.

Page 25, line 18, delete "(\$0.014)".

Page 25, between lines 32 and 33, begin a new line block indented and insert:

"(3) If the county imposed a countywide fee under IC 36-8-16-5 (before its repeal on July 1, 2008) during the state fiscal year ending June 30, 2007, the amount remitted to the county by all service suppliers under IC 36-8-16-12 (before its repeal on July 1, 2008) during the state fiscal year ending June 30, 2007.

(4) If:

(A) the county did not impose a countywide fee under IC 36-8-16-5 (before its repeal on July 1, 2008) during the state fiscal year ending June 30, 2007; and

(B) one (1) or more municipalities in the county imposed a fee under IC 36-8-16-5 (before its repeal on July 1, 2008) during the state fiscal year ending June 30, 2007;

the amount remitted to all municipalities described in clause (B) under IC 36-8-16-12 during the state fiscal year ending June 30, 2007."

Page 25, line 35, delete "July" and insert **"January"**.

Page 25, line 36, delete "June 30, 2012," and insert **"December 31, 2011,"**.

Page 25, line 41, delete "July" and insert **"January"**.

Page 26, line 2, delete "September 1, 2008;" and insert **"January 1, 2009;"**.

Page 26, line 6, delete "August 31, 2008;" and insert **"December 31, 2008;"**.

Page 26, line 7, delete "June 30, 2012," and insert **"December 31, 2011,"**.

Page 26, line 16, delete "time" and insert **"times"**.

Page 26, line 19, delete "seventy-six and six-tenths cents" and insert **"the board shall distribute on a monthly basis to each eligible county an amount not less than the quotient of the county's base distribution divided by twelve (12). The board shall adopt rules under IC 4-22-2 to establish a distribution formula that ensures that each eligible county receives the monthly amount required by this subdivision. The rules adopted by the board under this subdivision may provide for:**

(1) a part of the fee to be distributed to eligible counties based on each eligible county's percentage of the state's population;

(2) a part of the fee to be distributed equally among eligible counties;

(3) a combination of the distribution methodologies described in subdivisions (1) and (2); or

(4) any other distribution methodology that the board determines will ensure that each eligible county receives the monthly amount required by this subdivision."

Page 26, delete lines 20 through 36.

Page 26, line 37, delete "The board shall deposit the remainder" and insert **"After making the distributions to eligible counties at the level required by subdivision (2), the board may deposit the remainder, if any,"**.

Page 27, line 7, delete "July 1, 2012, the following" and insert **"January 1, 2012, the board may adjust the amount distributed to eligible counties under subsection (d)(2) at such times as the board may adjust the monthly fee under section 30 of this chapter, as long as the amounts distributed to eligible counties under subsection (d)(2) after the adjustment are proportional to the amounts distributed under subsection (d)(2) before the adjustment."**

Page 27, delete lines 8 through 23.

Page 27, line 24, delete "June 30, 2012, the" and insert **"December 31, 2011, the monthly"**.

Page 27, line 25, delete "during a state fiscal".

Page 27, line 26, delete "year".

Page 27, line 40, delete "July" and insert **"January"**.

Page 28, line 1, delete "to each eligible PSAP in the county as directed by the" and insert **"if the county contains more than**

one (1) eligible PSAP, in a manner that ensures that each eligible PSAP receives an amount that bears the same proportion to the total amount distributed to all PSAPs in the county under this clause that the amount the PSAP received before October 1, 2008, under:

(i) IC 36-8-16 (before its repeal on July 1, 2008); and

(ii) IC 36-8-16.5 (before its repeal on July 1, 2008); bears to the total amount received by all PSAPs in the county before October 1, 2008, under IC 36-8-16 (before its repeal on July 1, 2008) and IC 36-8-16.5 (before its repeal on July 1, 2008)."

Page 28, line 4, delete "July" and insert "January".

Page 28, line 37, delete "If:" and insert "The board shall select a third party to audit each eligible PSAP every two (2) years to determine the PSAP's compliance with this section. The board shall pay for an audit required by this subsection as an administrative cost of the board. The board shall cause a report of each audit conducted under this subsection to be filed with the state board of accounts.

(e) In addition to the audits required under subsection (d), if:"

Page 29, line 4, after "chapter." insert "The board shall cause a report of each audit conducted under this subsection to be filed with the state board of accounts."

Page 29, line 39, after "system." insert "A provider shall provide any subscriber data requested under this section at no cost to the requesting PSAP, the county in which the PSAP is located, or the board."

Page 30, line 25, delete "subscriber" and insert "provider".

Page 31, line 3, delete "July" and insert "January".

Page 31, line 4, delete "June 30, 2012," and insert "December 31, 2011,".

Page 31, line 6, delete "July" and insert "January".

Page 31, line 42, delete "provider, a local exchange carrier," and insert "voice communications service provider,".

Page 32, line 2, delete "provider, or a local exchange carrier," and insert "voice communications service provider,".

Page 33, line 7, delete "July" and insert "January".

Page 33, line 9, delete "July" and insert "January".

Page 36, delete lines 11 through 23.

Page 36, line 24, delete "(c)" and insert "(b)".

Page 36, line 29, delete "(d)" and insert "(c)".

Page 36, line 33, delete "(e)" and insert "(d)".

Page 37, line 34, delete "July" and insert "January".

Page 37, line 37, delete "July" and insert "January".

Page 37, line 37, delete "and" and insert "or".

Page 37, line 40, delete "July" and insert "January".

Page 37, line 41, delete "remain" and insert "remains".

Page 38, line 1, delete "July" and insert "January".

Page 38, line 3, delete "July" and insert "January".

Page 38, line 7, delete "July" and insert "January".

Page 38, line 10, delete "July" and insert "January".

Page 38, line 12 delete "July" and insert "January".

Page 38, line 16, delete "July" and insert "January".

Page 38, line 17, delete "July" and insert "January".

Page 38, line 22, delete "July" and insert "January".

Page 38, line 24, delete "July" and insert "January".

Page 38, line 25, delete "July" and insert "January".

Page 38, line 30, delete "July" and insert "January".

Page 38, line 33, delete "July" and insert "January".

Page 38, line 34, delete "June 30, 2012" and insert "December 31, 2011,".

Page 38, line 37, delete "July" and insert "January".

Page 38, line 40, delete "July" and insert "January".

Page 38, line 42, delete "July" and insert "January".

Page 39, line 1, delete "July" and insert "January".

Page 39, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE UPON PASSAGE] As used in this SECTION, "board" refers to the enhanced 911 advisory board established by IC 26-8-16.6-22, as added by this act.

(b) As used in the SECTION, "eligible county" has the meaning set forth in IC 36-8-16.6-33(b), as added by this act.

(c) Notwithstanding IC 36-8-16.6-33(d)(2), as added by this act, the board shall adopt rules to establish a distribution formula for distributing the enhanced 911 fee to eligible counties as required by IC 36-8-16.6-33(d)(2), as added by this act, in the same manner as emergency rules are adopted under IC 4-22-2-37.1. Any rules adopted under this SECTION must be adopted not later than July 1, 2008. A rule adopted under this SECTION expires on the earlier of:

(1) the date the rule is adopted by the board under IC 4-22-2-24 through IC 4-22-2-36; or

(2) January 1, 2010.

(c) This SECTION expires January 1, 2010."

Renumber all SECTIONS consecutively.

(Reference is to SB 359 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 314, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 258, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "either of".

Page 1, between lines 9 and 10, begin a new line block indented and insert:

"(3) A person convicted of a crime of violence (as defined in IC 35-50-1-2)."

Page 2, line 18, after "5." insert "(a)".

Page 2, line 22, delete "However, an inmate who is a sex offender (as defined" and insert **"An inmate who is released from confinement under this subsection must be placed on parole as described in subsection (b)."**

Page 2, delete lines 23 through 25, begin a new paragraph and insert:

"(b) An inmate who is discharged from the department under this section shall be placed on parole as follows:

(1) An inmate who is required to be placed on parole for the remainder of the inmate's life under IC 35-50-6-1(e) shall be placed on parole for the remainder of the inmate's life.

(2) An inmate who is a sex offender (as defined in IC 11-8-8-4.5) and who is not required to be placed on lifetime parole under IC 35-50-6-1(e) shall be placed on parole for ten (10) years, less any period of probation the inmate is required to serve.

(3) An inmate who is:

(A) not an inmate described in subdivisions (1) or (2); and

(B) not required to serve a period of probation; shall be placed on parole for two (2) years."

(Reference is to SB 258 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 12, after "support," insert **"interest on child support arrearage,"**

Page 3, line 33, delete "who" and insert **"who:"**.

Page 3, delete line 34.

Page 3, line 35, after "(1)" insert **"is entitled to"**.

Page 3, line 37, delete "seek" and insert **"has sought"**.

Page 10, line 13, delete "ten (10)" and insert **"fifteen (15)"**.

Page 11, between lines 17 and 18, begin a new line block indented and insert:

"(5) Other information as required by state law or as determined by the department."

Page 13, line 42, delete "biological" and insert **"legal"**.

Page 14, line 2, delete "necessary" and insert **"as required by state law or"**.

Page 15, line 7, delete "affidavit," and insert **"affidavit and granted by a court under state law,"**

Page 15, line 17, delete "thirty (30)" and insert **"sixty (60)"**.

Page 15, line 30, delete "ninety (90)" and insert **"sixty (60)"**.

Page 16, line 14, after "department" delete "," and insert **"is acting"**.

Page 16, line 15, delete "is acting on behalf of a nonresident obligee,".

Page 16, line 20, delete "deposition;" and insert **"deposition or by affidavit;"**.

Page 16, delete lines 36 through 37.

Page 16, line 38, delete "(C)" and insert **"(B)"**.

Page 16, line 42, delete "the following:".

Page 17, line 1, delete "(A) A" and insert **"a"**.

Run in page 16, line 42 through page 17, line 1.

Page 17, delete line 2.

Page 17, delete lines 6 through 8.

Page 17, line 9, delete "(C)" and insert **"(B)"**.

Page 17, line 26, delete "child support" and insert **"paternity or child support, or both"**.

Page 17, line 32, delete "IC 31-25-5, as" and insert **"IC 31-25-5."**

Page 17, delete line 33.

(Reference is to SB 105 as printed January 15, 2008.)
and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 305, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "(N-[1-(1-methyl" and insert **"(N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacet amide) (9815)"**.

Page 1, delete line 10.

Page 1, line 13, after "(N-[1-methyl-2-(2-" insert **"thienyl)ethyl-4-piperidiny]-N-phenylpropanamide) (9832)"**.

Page 1, delete line 14.

Page 2, line 1, strike "(9614)" and insert **"(9814)"**.

Page 2, line 37, after "(benzylfentanyl)" insert **", including any isomers, salts, or salts of isomers"**.

Page 2, line 39, after "(thenylfentanyl)" insert **", including any isomers, salts, or salts of isomers"**.

Page 4, line 31, after "N-diisopropyltryptamine" insert **", including any isomers, salts, or salts of isomers"**.

Page 5, line 14, delete "Dimethyltryptamine" and insert **"Dimethyltryptamine"**.

Page 7, line 2 after "or" insert **"4,5-dihydro-5-phenyl-2-oxazolamine."**

Page 7, delete line 3.

Page 8, line 22, delete "Carfentenil" and insert **"Carfentanil"**.

Page 10, line 34, strike "(2125);" and insert **"(2126);"**

Page 10, line 35, strike "(2315);" and insert **"(2316);"**

Page 10, line 36, strike "(2270);" and insert **"(2271);"**

Page 10, line 41, strike "(2125);" and insert **"(2126);"**

Page 10, line 42, strike "(2315);" and insert **"(2316);"**

Page 11, line 1, strike "(2270);" and insert **"(2271);"**

Page 12, line 29, delete "." and insert **"(7285)."**

Page 13, line 3, strike "(9273)." and insert **"(9278)."**

Page 14, line 35, strike "(1608)." and insert **"(1610)."**

Page 16, line 2, delete "Pyrovalene" and insert

"Pyrovalerone".

(Reference is to SB 305 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 268, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill 226, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 2 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 8-1.5-2-4, AS AMENDED BY P.L.113-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Whenever the municipal legislative body determines to sell or otherwise dispose of nonsurplus municipally owned utility property, it shall by ordinance or resolution, by a two-thirds (2/3) vote, provide for the following:

(1) The appointment, as follows, of **three (3) residents of Indiana to serve as appraisers:**

(A) One (1) ~~disinterested freeholder residing in the municipality; and person who is an engineer licensed under IC 25-31-1.~~

(B) Two (2) disinterested appraisers licensed under IC 25-34.1.

~~who are residents of Indiana;~~

(2) The appraisal of the property. ~~and~~

(3) The time that the appraisal is due.

~~One (1) of the appraisers appointed under subdivision (1)(B) must reside not more than fifty (50) miles from the property."~~

Page 2, delete lines 1 through 2.

Page 3, line 10, reset in roman "shall".

Page 3, line 10, delete "may".

Page 4, delete lines 8 through 11, begin a new paragraph and insert:

"SECTION 4. **An emergency is declared for this act.**".

(Reference is to SB 226 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill 93, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "in" insert "**subsection (j) and**".

Page 1, line 16, after "facilities" insert ".".

Page 1, line 16, delete "or a landlord or person acting".

Page 1, delete line 17.

Page 2, delete lines 1 through 3.

Page 3, after line 19, begin a new paragraph and insert:

"(j) A landlord, or a person acting on a landlord's behalf, that:

(1) distributes water or sewage disposal service from a public utility to one (1) or more dwelling units;

(2) bills tenants, separately from rent, for:

(A) the water or sewage disposal service distributed; and

(B) any reasonably related administrative costs; and

(3) does not increase the public utility's charges for the water or sewage disposal service provided;

is not a public utility solely by reason of engaging in any activity described in subdivisions (1) through (3)."

(Reference is to SB 93 as printed January 15, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 20, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-18-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23.5. A public utility company may file an amended personal property tax return for the public utility's personal property in the manner specified in IC 6-1.1-3-7.5.**

SECTION 2. IC 6-3.5-1.1-26, AS ADDED BY P.L.224-2007, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) A county council

may impose a tax rate under this section to provide property tax relief to political subdivisions in the county. A county council is not required to impose any other tax before imposing a tax rate under this section.

(b) A tax rate under this section may be imposed in increments of five hundredths of one percent (0.05%) determined by the county council. A tax rate under this section may not exceed one percent (1%).

(c) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(d) If a county council adopts an ordinance to impose or increase a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section may be imposed, increased, decreased, or rescinded by a county council at the same time and in the same manner that the county council may impose or increase a tax rate under section 24 of this chapter.

(f) Tax revenue attributable to a tax rate under this section may be used for any combination of the following purposes, as specified by ordinance of the county council:

(1) The tax revenue may be used to provide local property tax replacement credits at a uniform rate to all taxpayers in the county. Any tax revenue that is attributable to the tax rate under this section and that is used to provide local property tax replacement credits under this subdivision shall be distributed to civil taxing units and school corporations in the county in the same manner that certified distributions are allocated as property tax replacement credits under section 12 of this chapter. The department of local government finance shall provide each county auditor with the amount of property tax replacement credits that each civil taxing unit and school corporation in the auditor's county is entitled to receive under this subdivision. The county auditor shall then certify to each civil taxing unit and school corporation the amount of property tax replacement credits the civil taxing unit or school corporation is entitled to receive under this subdivision during that calendar year.

(2) The tax revenue may be used to uniformly increase the homestead credit percentage in the county. The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state homestead credit under IC 6-1.1-20.9. The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1. The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(3) The tax revenue may be used to provide local property tax replacement credits at a uniform rate for all qualified residential property (as defined in IC 6-1.1-20.6-4) in the

county. Any tax revenue that is attributable to the tax rate under this section and that is used to provide local property tax replacement credits under this subdivision shall be distributed to civil taxing units and school corporations in the county in the same manner that certified distributions are allocated as property tax replacement credits under section 12 of this chapter. The department of local government finance shall provide each county auditor with the amount of property tax replacement credits that each civil taxing unit and school corporation in the auditor's county is entitled to receive under this subdivision. The county auditor shall then certify to each civil taxing unit and school corporation the amount of property tax replacement credits the civil taxing unit or school corporation is entitled to receive under this subdivision during that calendar year.

(4) Notwithstanding subdivisions (1) through (3), any tax revenue from a tax rate imposed under this section in Lake County may be distributed only as provided in subdivision (5), (6), or (7), as specified by ordinance of the Lake County council.

(5) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used to proportionately reduce all property tax levies imposed by the county. The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor, the county treasurer, the county council, and the county executive the amount of tax revenue under this section that will be used to reduce each property tax levy imposed by the county. Except as provided in subsection (g), the tax revenue under this section that is used to reduce the property tax levies imposed by the county shall be treated for all purposes as property tax levies.

(6) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used as follows to provide local property tax replacement credits in Lake County:

(A) The tax revenue under this section that is collected from taxpayers within a particular municipality in Lake County (as determined by the department based on the department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality. The local property tax credit within a particular municipality shall be applied at a uniform rate for all taxpayers within that municipality.

(B) The tax revenue under this section that is collected from taxpayers within the unincorporated area of Lake County (as determined by the department) shall be used only to provide a local property tax credit against property taxes imposed by the county. The local property tax credit for the unincorporated area of Lake County shall be available only to those taxpayers within the unincorporated area of the county and shall be

applied at a uniform rate for all taxpayers within the unincorporated area of the county.

(C) The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor the amount of property tax replacement credits that the county and each municipality in the county are entitled to receive under this subdivision during the calendar year. The county auditor shall then certify these credit amounts to the county and each municipality in the county. The county auditor also shall certify these credit amounts to the county treasurer.

(D) Except as provided in subsection (g), the local property tax replacement credits shall be treated for all purposes as property tax levies.

(7) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used as follows in Lake County:

(A) Sixty percent (60%) of the tax revenue under this section shall be used as provided in subdivision (6).

(B) Forty percent (40%) of the tax revenue under this section shall be used to provide property tax levy reductions as follows:

(i) The tax revenue distributed under this clause shall be used to reduce the property tax levies of the county and each township and municipality in the county.

(ii) The percentage of the tax revenue distributed under this clause that shall be distributed to the county or to a particular township or municipality for property tax levy reductions under this subdivision is equal to the percentage determined by dividing the population of the county, township, or municipality by the sum of the total population of the county, each township in the county, and each municipality in the county.

(iii) The tax revenue distributed to the county or a township or municipality under this clause shall be used to proportionately reduce all property tax levies of the county, township, or municipality.

(iv) The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor and the fiscal body of the county and each township and municipality in the county the amount of tax revenue under this section that will be used under this clause to reduce each property tax levy imposed by the county, township, or municipality.

(v) Except as provided in subsection (g), the tax revenue under this section that is used to reduce the property tax levies imposed by the county, a township, or a municipality shall be treated for all purposes as property tax levies.

(g) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under STEP EIGHT of IC 6-1.1-18.5-3(b); or

(3) the total county tax levy under IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5).

(h) Tax revenue under this section shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing the budget of the civil taxing unit or school corporation and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(i) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

SECTION 3. IC 6-3.5-6-32, AS ADDED BY P.L.224-2007, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) A county income tax council may impose a tax rate under this section to provide property tax relief to political subdivisions in the county. A county income tax council is not required to impose any other tax before imposing a tax rate under this section.

(b) A tax rate under this section may be imposed in increments of five hundredths of one percent (0.05%) determined by the county income tax council. A tax rate under this section may not exceed one percent (1%).

(c) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(d) If a county income tax council adopts an ordinance to impose or increase a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section may be imposed, increased, decreased, or rescinded at the same time and in the same manner that the county income tax council may impose or increase a tax rate under section 30 of this chapter.

(f) Tax revenue attributable to a tax rate under this section may be used for any combination of the following purposes, as specified by ordinance of the county income tax council:

(1) The tax revenue may be used to provide local property tax replacement credits at a uniform rate to civil taxing units and school corporations in the county. The amount of property tax replacement credits that each civil taxing unit and school corporation in a county is entitled to receive under this subdivision during a calendar year equals the product of:

(A) the tax revenue attributable to a tax rate under this section that is dedicated to property tax replacement credits under this subdivision; multiplied by

(B) the following fraction:

(i) The numerator of the fraction equals the total property taxes being collected in the county by the civil taxing unit or school corporation during the calendar year of the distribution.

(ii) The denominator of the fraction equals the sum of the total property taxes being collected in the county by all civil taxing units and school corporations of the county during the calendar year of the distribution.

The department of local government finance shall provide each county auditor with the amount of property tax replacement credits that each civil taxing unit and school corporation in the auditor's county is entitled to receive under this subdivision. The county auditor shall then certify to each civil taxing unit and school corporation the amount of property tax replacement credits the civil taxing unit or school corporation is entitled to receive under this subdivision during that calendar year. The county auditor shall also certify these distributions to the county treasurer. Except as provided in subsection (g), the local property tax replacement credits shall be treated for all purposes as property tax levies.

(2) The tax revenue may be used to uniformly increase the homestead credit percentage in the county. The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state homestead credit under IC 6-1.1-20.9. The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1. The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(3) The tax revenue may be used to provide local property tax replacement credits at a uniform rate for all qualified residential property (as defined in IC 6-1.1-20.6-4) in the county. The amount of property tax replacement credits that each civil taxing unit and school corporation in a county is entitled to receive under this subdivision during a calendar year equals the product of:

(A) the tax revenue attributable to a tax rate under this section that is dedicated to property tax replacement credits under this subdivision; multiplied by

(B) the following fraction:

(i) The numerator of the fraction equals the total property taxes being collected in the county by the civil taxing unit or school corporation during the calendar year of the distribution.

(ii) The denominator of the fraction equals the sum of the total property taxes being collected in the county by all civil taxing units and school corporations of the county during the calendar year of the distribution.

The department of local government finance shall provide each county auditor with the amount of property tax replacement credits that each civil taxing unit and school corporation in the auditor's county is entitled to receive under this subdivision. The county auditor shall then certify to each civil taxing unit and school corporation the amount of property tax replacement credits the civil taxing unit or

school corporation is entitled to receive under this subdivision during that calendar year. The county auditor shall also certify these distributions to the county treasurer. Except as provided in subsection (g), the local property tax replacement credits shall be treated for all purposes as property tax levies.

(4) Notwithstanding subdivisions (1) through (3), any tax revenue from a tax rate imposed under this section in Lake County may be distributed only as provided in subdivision (5), (6), or (7), as specified by ordinance of the Lake County council.

(5) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used to proportionately reduce all property tax levies imposed by the county. The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor, the county treasurer, the county council, and the county executive the amount of tax revenue under this section that will be used to reduce each property tax levy imposed by the county. Except as provided in subsection (g), the tax revenue under this section that is used to reduce the property tax levies imposed by the county shall be treated for all purposes as property tax levies.

(6) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used as follows to provide local property tax replacement credits in Lake County:

(A) The tax revenue under this section that is collected from taxpayers within a particular municipality in Lake County (as determined by the department based on the department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality. The local property tax credit within a particular municipality shall be applied at a uniform rate for all taxpayers within that municipality.

(B) The tax revenue under this section that is collected from taxpayers within the unincorporated area of Lake County (as determined by the department) shall be used only to provide a local property tax credit against property taxes imposed by the county. The local property tax credit for the unincorporated area of Lake County shall be available only to those taxpayers within the unincorporated area of the county and shall be applied at a uniform rate for all taxpayers within the unincorporated area of the county.

(C) The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor the amount of property tax replacement credits that the county and each municipality in the county are entitled to receive under this subdivision during the calendar year. The county auditor shall then certify these credit amounts to the county and each municipality in the

county. The county auditor shall also certify these credit amounts to the county treasurer.

(D) Except as provided in subsection (g), the local property tax replacement credits shall be treated for all purposes as property tax levies.

(7) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used as follows in Lake County:

(A) Sixty percent (60%) of the tax revenue under this section shall be used as provided in subdivision (6).

(B) Forty percent (40%) of the tax revenue under this section shall be used to provide property tax levy reductions as follows:

(i) The tax revenue distributed under this clause shall be used to reduce the property tax levies of the county and each township and municipality in the county.

(ii) The percentage of the tax revenue distributed under this clause that shall be distributed to the county or to a particular township or municipality for property tax levy reductions under this subdivision is equal to the percentage determined by dividing the population of the county, township, or municipality by the sum of the total population of the county, each township in the county, and each municipality in the county.

(iii) The tax revenue distributed to the county or a township or municipality under this clause shall be used to proportionately reduce all property tax levies of the county, township, or municipality.

(iv) The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor and the fiscal body of the county and each township and municipality in the county the amount of tax revenue under this section that will be used under this clause to reduce each property tax levy imposed by the county, township, or municipality.

(v) Except as provided in subsection (g), the tax revenue under this section that is used to reduce the property tax levies imposed by the county, a township, or a municipality shall be treated for all purposes as property tax levies.

(g) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under STEP EIGHT of IC 6-1.1-18.5-3(b).

(h) Tax revenue under this section shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing the budget of the civil taxing unit or school corporation and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(i) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(j) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the tax rate under this section.

SECTION 4. IC 13-21-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. Before the board of a district may adopt an annual budget, the budget must be:

(1) approved by the department of local government finance; and

(2) sent to:

(A) the executive; and

(B) the fiscal body;

of each county and municipality located within the district as a matter of record; and

(3) approved by the fiscal body of each county in which the district is located, in the case of annual budgets for 2009 and thereafter.

SECTION 5. IC 20-26-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 32. (a) This section applies only to a school corporation that has a governing body consisting entirely of elected members.

(b) If a statute authorizes a school corporation to borrow money by issuing bonds, notes, or warrants, the governing body of the school corporation may authorize the school corporation to borrow the money by obtaining a loan from a financial institution under that statute, instead of issuing the bonds, notes, or warrants.

(c) Except as provided in subsection (b), this section does not excuse a school corporation from complying with any laws concerning:

(1) the authority to borrow money;

(2) the maximum amount of money that may be borrowed for a particular purpose;

(3) approval of the borrowing; or

(4) the right of taxpayers to object to the borrowing.

(d) The maximum amount of loans from financial institutions to a particular school corporation under this section may not exceed one million dollars (\$1,000,000).

SECTION 6. IC 36-1-4-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) This section applies only to a political subdivision that has a fiscal body consisting entirely of elected members.

(b) If a statute authorizes a political subdivision to borrow money by issuing bonds, notes, or warrants, the fiscal body of the political subdivision may authorize the political subdivision to borrow the money by obtaining a loan from a financial institution under that statute, instead of issuing the bonds, notes, or warrants.

(c) Except as provided in subsection (b), this section does not excuse a political subdivision from complying with any laws concerning:

- (1) the authority to borrow money;
- (2) the maximum amount of money that may be borrowed for a particular purpose;
- (3) approval of the borrowing; or
- (4) the right of taxpayers to object to the borrowing.

(d) The maximum amount of loans from financial institutions to a particular political subdivision under this section may not exceed one million dollars (\$1,000,000).

SECTION 7. IC 36-8-13-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.6. (a) For townships and municipalities that elect to have the township provide fire protection and emergency services under section 3(b) of this chapter, the department of local government finance shall adjust each township's and each municipality's maximum permissible levy in the year following the year in which the change is elected, as determined under IC 6-1.1-18.5-3, to reflect the change from providing fire protection under a contract between the municipality and the township to allowing the township to impose a property tax levy on the taxable property located within the corporate boundaries of each municipality. Each municipality's maximum permissible property tax levy shall be reduced by the amount of the municipality's property tax levy that was imposed by the municipality to meet the obligations to the township under the fire protection contract. The township's maximum permissible property tax levy shall be increased by the product of:

- (1) ~~one and five-hundredths (1.05);~~ **the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year;** multiplied by
- (2) the amount the township received:
 - (A) in the year in which the change is elected; and
 - (B) as fire protection contract payments from all municipalities whose levy is decreased under this section.

(b) For purposes of determining a township's or municipality's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3 for years following the first year after the year in which the change is elected, a township's or municipality's maximum permissible ad valorem property tax levy is the levy after the adjustment made under subsection (a).

SECTION 8. IC 36-8-13-4.7, AS AMENDED BY P.L.224-2007, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) For a township that elects to have the township provide fire protection and emergency services under section 3(c) of this chapter, the department of local government finance shall adjust the township's maximum permissible levy in the year following the year in which the change is elected, as determined under IC 6-1.1-18.5-3, to reflect the change from providing fire protection or emergency services under a contract between the municipality and the township to allowing the township to impose a property tax levy on the taxable property located within the corporate boundaries of each municipality. For the ensuing calendar year, the township's maximum permissible property tax levy shall be increased by the product of:

- (1) ~~one and five-hundredths (1.05);~~ **the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year;** multiplied by

- (2) the amount the township contracted or billed to receive, regardless of whether the amount was collected:

- (A) in the year in which the change is elected; and
- (B) as fire protection or emergency service payments from the municipalities or residents of the municipalities covered by the election under section 3(c) of this chapter.

The maximum permissible levy for a general fund or other fund of a municipality covered by the election under section 3(c) of this chapter shall be reduced for the ensuing calendar year to reflect the change to allowing the township to impose a property tax levy on the taxable property located within the corporate boundaries of the municipality. The total reduction in the maximum permissible levies for all electing municipalities must equal the amount that the maximum permissible levy for the township is increased under this subsection for contracts or billings, regardless of whether the amount was collected, less the amount actually paid from sources other than property tax revenue.

(b) For purposes of determining a township's and each municipality's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3 for years following the first year after the year in which the change is elected, a township's and each municipality's maximum permissible ad valorem property tax levy is the levy after the adjustment made under subsection (a).

(c) The township may use the amount of a maximum permissible property tax levy computed under this section in setting budgets and property tax levies for any year in which the election in section 3(c) of this chapter is in effect. A county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008) may not reduce a budget or tax levy solely because the budget or levy is based on the maximum permissible property tax levy computed under this section.

(d) Section 4.6 of this chapter does not apply to a property tax levy or a maximum property tax levy subject to this section.

SECTION 9. IC 36-9-14.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) Except as provided in subsection (c), the county fiscal body may provide money for the cumulative capital development fund by levying a tax in compliance with IC 6-1.1-41 on the taxable property in the county.

(b) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which the county option income tax or the county adjusted gross income tax is in effect on January 1 of that year, depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.05 \$0.0167
1 or more	\$0.10 \$0.0333

(c) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which neither the county option income tax nor the county adjusted gross income tax is in effect on January 1 of that

year, depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.04 \$0.0133
1 or more	\$0.07 \$0.0233

SECTION 10. IC 36-9-15.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) Except as provided in subsection (c), the municipal fiscal body may provide money for the cumulative capital development fund by levying a tax in compliance with IC 6-1.1-41 on the taxable property in the municipality.

(b) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a municipality that is either wholly or partially located in a county in which the county option income tax or the county adjusted gross income tax is in effect on January 1 of that year depends upon the number of years the municipality has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.05 \$0.0167
1	\$0.10 \$0.0333
2 or more	\$0.15 \$0.05

(c) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a municipality that is wholly located in a county in which neither the county option income tax nor the county adjusted gross income tax is in effect on January 1 of that year depends upon the number of years the municipality has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.04 \$0.0133
1	\$0.08 \$0.0267
2 or more	\$0.12 \$0.04

SECTION 11. [EFFECTIVE JULY 1, 2008] **IC 36-8-13-4.6, IC 36-8-13-4.7, IC 36-9-14.5-6, and IC 36-9-15.5-6, all as amended by this act, apply only to property taxes first due and payable after December 31, 2008.**

SECTION 12. [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)] **(a) This SECTION applies only to an entity that meets all of the following conditions:**

- (1) The entity is a church or religious society.**
- (2) For the assessment date in 2003:**

(A) property owned by the entity would have been eligible for exemption from property taxes if the entity had timely filed an application under IC 6-1.1-11 for property tax exemption for the property;

(B) the entity failed to file a timely application under IC 6-1.1-11 for property tax exemption for the

property; and

(C) the entity's property was subject to taxation.

(b) Notwithstanding IC 6-1.1-11 or any other law specifying the date by which an application for property tax exemption must be filed to claim an exemption for a particular assessment date, an entity described in subsection (a) may before July 1, 2008, file with the county assessor an application for property tax exemption for the 2003 assessment date.

(c) Notwithstanding IC 6-1.1-11 or any other law, an application for property tax exemption filed under subsection (b) is considered to be timely filed, and the county assessor shall forward the application to the county property tax assessment board of appeals for review. The board shall grant an exemption claimed for the assessment date in 2003 for property tax exemption if the board determines that:

- (1) the entity's application for property tax exemption satisfies the requirements of this SECTION; and**
- (2) the entity's property was, except for the failure to timely file an application for property tax exemption, otherwise eligible for the claimed exemption.**

(d) If an entity has previously paid the tax liability for property with respect to the 2003 assessment date and the property is granted an exemption under this SECTION for the assessment date, the county auditor shall issue a refund of the property tax paid by the entity. An entity is not required to apply for any refund due under this SECTION. The county auditor shall, without an appropriation being required, issue a warrant to the entity payable from the county general fund for the amount of the refund, if any, due the entity. No interest is payable on the refund.

(e) This SECTION expires January 1, 2010.

SECTION 13. **An emergency is declared for this act."**

Delete page 2.

Re-number all SECTIONS consecutively.

(Reference is to SB 20 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill 104, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill 213, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "thirty (30)" and insert "**sixty (60)**".
 Page 1, line 17, delete "thirty (30)" and insert "**sixty (60)**".
 (Reference is to SB 213 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 100, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 12, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 23, after "applicant" insert "**(A)**".

Page 2, line 25, strike "initial".

Page 2, line 26, strike "or the applicant" and insert "**and does not distribute wine through a wine wholesaler in Indiana during the term of the direct wine seller's permit; or (B)**".

Page 2, delete lines 37 through 41.

(Reference is to SB 107 as printed January 9, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 255, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 90, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 12, after "person" insert "**knowingly or intentionally**".

Page 1, line 16, after "person" insert "**knowingly or**

intentionally".

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 9-30-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. **(a) Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a Class D felony if:**

(1) the person has a previous conviction of operating while intoxicated that occurred within the five (5) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or

(2) the person:

(A) is at least twenty-one (21) years of age;

(B) violates section 1(b) or 2(b) of this chapter; and

(C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.

(b) A person who violates section 1 or 2 of this chapter commits a Class C felony if:

(1) the person has a previous conviction of operating while intoxicated causing death (IC 9-30-5-5); or

(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4)."

Page 2, line 15, strike "Class D" and insert "**Class C**".

Page 2, line 15, strike "Class C" and insert "**Class B**".

Page 2, line 17, delete "offense," and insert "offense".

Page 2, line 17, delete "and".

Page 2, delete lines 18 through 21.

Page 3, line 4, delete "intoxicated," and insert "intoxicated".

Page 3, line 4, delete "and the offense is a Class A felony if the person who".

Page 3, delete lines 5 through 7.

Page 3, line 16, strike "Class B" and insert "**Class A**".

Page 6, line 20, after "IC 9-26-1-8," insert "**IC 9-30-5-3**".

Renumber all SECTIONS consecutively.

(Reference is to SB 90 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 26, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 24, delete "(a)".

Page 2, line 28, after "(2)" insert "**if the smoke detector is hard wired into the rental unit's electrical system,**".

Page 2, line 28, delete "a defective or an" and insert "**the**".

Page 2, line 31, delete "defective or".

Page 2, line 34, delete "or conviction".

Page 2, delete lines 36 through 42.

Page 3, delete lines 1 through 16.

Page 3, line 19, after "7." insert "**(a)**".

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"(b) A landlord and a tenant may not waive, in a rental agreement or a separate writing, the requirements under IC 22-11-18-3.5 concerning smoke detectors."

Page 4, line 2, after "disabled." insert "If the smoke detector is battery operated, the tenant shall replace batteries in the smoke detector as necessary. If the smoke detector is hard wired into the rental unit's electrical system, and the tenant believes that the smoke detector is not functional, the tenant shall provide notice to the landlord under IC 22-11-18-3.5(e)(2)."

Page 4, delete lines 39 through 41.

Renumber all SECTIONS consecutively.

(Reference is to SB 26 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 317, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 8, delete "of the jurisdiction in which the"

Page 5, line 9, delete "defendant is being held".

Page 9, line 23, delete "crime" and insert "**felony**".

(Reference is to SB 317 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 356, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 36 and 37, begin a new line block indented and insert:

"(3) A courthouse."

(Reference is to SB 356 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 6, reset in roman "Class C misdemeanor."

Page 2, line 6, delete "Class D felony."

Page 2, line 7, reset in roman "Class B misdemeanor."

Page 2, line 6, delete "Class C felony."

Page 3, between lines 1 and 2, begin a new line blocked left and insert:

"The term does not include a student who attends the school."

(Reference is to SB 180 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

JOINT RESOLUTIONS ON THIRD READING

Engrossed Senate Joint Resolution 3

Senator Lubbers called up Engrossed Senate Joint Resolution 3 for third reading:

A JOINT RESOLUTION proposing an amendment to Articles 8 and 10 of the Constitution of the State of Indiana concerning taxation.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 8, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. The Common School fund shall consist of the Congressional Township fund, and the lands belonging thereto;

The Surplus Revenue fund;

The Saline fund and the lands belonging thereto;

The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of County Seminaries, and the moneys and property heretofore held for such Seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State, for want of heirs or kindred entitled to the inheritance;

All lands that have been, or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof; including the proceeds of the sales of the Swamp Lands, granted to the State of Indiana by the act of Congress of the twenty eighth of September, eighteen hundred and fifty, after deducting the expense of selecting and draining the same.

~~Taxes on the property of corporations, that may be assessed by the General Assembly for common school purposes.~~

SECTION 3. ARTICLE 10 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 9. (a) Except as provided in subsection (b), property may not be taxed for general fund purposes of common schools or for other general operating purposes of common schools.**

(b) Property taxes that are approved by the voters may be imposed for the general fund purposes of common schools or for other general operating purposes of common schools.

(c) For purposes of this section, general fund purposes or general operating purposes do not include any of the following:

- (1) Transportation costs, including bus and vehicle replacement costs.
- (2) Capital project costs.
- (3) Debts related to capital projects.
- (4) Debts related to employee retirement or severance liability.
- (5) Special education preschool costs.
- (6) Costs attributable to programs for improving or maintaining racial balance in a school corporation.
- (7) Other purposes that:
 - (A) are specified by the general assembly; and
 - (B) are not general operating purposes.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass?

Roll Call 35: yeas 45, nays 3. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Crawford and Espich.

Engrossed Senate Joint Resolution 5

Senator Delph called up Engrossed Senate Joint Resolution 5 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 10 of the Constitution of the State of Indiana concerning transportation.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 10 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 9. (a) The Next Generation Trust Fund consists of the following:**

- (1) A principal amount of five hundred million dollars (\$500,000,000).
 - (2) All interest and other income derived from the principal.
- (b) The principal of the Fund may not be decreased.
- (c) The General Assembly shall provide by law for the custody and investment of the principal of the Fund.
- (d) The General Assembly may appropriate interest and other income derived from the Fund only for the provision of highways, roads, and bridges for the benefit of the people of the State of Indiana and the users of those facilities.

SECTION 3. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING THE FOLLOWING

SCHEDULE:

SCHEDULE

(a) On June 30 after approval by the voters of Indiana of Article 10, Section 9 of the Constitution of the State of Indiana, as added by this joint resolution, the principal amount of the Next Generation Trust Fund as established by Article 10, Section 9 of the Constitution of the State of Indiana, as added by this joint resolution, shall be transferred to the Fund to provide the principal amount of the Fund from:

- (1) the state general fund; or
- (2) from other sources the General Assembly provides by law.

(b) This Schedule expires on the day following the day that the full amount of the principal of the Next Generation Trust Fund as established by Article 10, Section 9 of the Constitution of the State of Indiana, as added by this joint resolution, is fully funded as provided in subsection (a) of this Schedule.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass?

Roll Call 36: yeas 45, nays 3. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Pelath and Borrer.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1001 and the same is herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Resolution 2

Senate Resolution 2, introduced by Senator Hershman:

A SENATE RESOLUTION recognizing Battle Ground, Indiana, on the 150th anniversary of its consolidation.

Whereas, The town of Battle Ground was created through a consolidation of the towns of Battle Ground and Harrisonville;

Whereas, Each town was named in honor of the Battle of Tippecanoe: Battle Ground was named for the Battle of Tippecanoe, and Harrisonville was named in honor of William Henry Harrison, commander of the American forces during the battle;

Whereas, The Battle of Tippecanoe began as a military expedition led by William Henry Harrison, then Governor of the Indiana Territory, against the increasing menace of the federation of Indian tribes formed by the Shawnee brothers, Elskatawwa, known as The Prophet, and Tecumseh;

Whereas, Beginning at Vincennes and marching toward Prophet's Town, General Harrison commanded an army of about 1,000 men;

Whereas, General Harrison met with representatives of The Prophet on November 6, 1811, and told them of the government's demands, with the plan of meeting with The Prophet and his council the next day about the demands of the government;

Whereas, Ever cautious, General Harrison set up his encampment on a ridge about a mile northwest of Prophet's Town and placed his troops in battle formation, instructing his men to sleep fully clothed and assigning a large detail for sentinel duty;

Whereas, On the morning of November 7, the camp was attacked by The Prophet;

Whereas, Following a fierce battle, General Harrison and his army defeated the Indians, all but ending the Indian wars in the Midwest; and

Whereas, Battle Ground has played an important role in Indiana's history and should be remembered and honored for its many contributions to our state: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate wishes to recognize the town of Battle Ground on the 150th anniversary of its consolidation.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Steve Egly, President of the Battle Ground Town Council.

The resolution was read in full and adopted by voice vote.

SENATE BILLS ON SECOND READING

Senate Bill 42

Senator Miller called up Senate Bill 42 for second reading. The bill was reread a second time by title.

SENATE MOTION (Amendment 42-2)

Madam President: I move that Senate Bill 42 be amended to read as follows:

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 12-15-12-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 21. (a) Not later than January 1, 2011, the following must be accredited by the National Committee for Quality Assurance or its successor:**

(1) A managed care organization that has contracted with the office before July 1, 2008, to provide Medicaid services under the risk-based managed care program.

(2) A behavioral health managed care organization that has contracted before July 1, 2008, with a managed care organization described in subdivision (1).

(b) A:

(1) managed care organization that has contracted with the office after June 30, 2008, to provide Medicaid services under the risk-based managed care program; or

(2) behavioral health managed care organization that has contracted after June 30, 2008, with a managed care organization described in subdivision (1);

must begin the accreditation process and obtain accreditation by the National Committee for Quality Assurance or its successor at the earliest time that the National Committee for Quality Assurance allows a managed care organization to be accredited.

SECTION 3. IC 12-15-12-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 22. A:**

(1) managed care organization that has a contract with the office to provide Medicaid services under the risk-based managed care program; or

(2) behavioral health managed care organization that has contracted with a managed care organization described in subdivision (1);

shall accept, receive, and process claims for payment that are filed electronically by a Medicaid provider."

Renumber all SECTIONS consecutively.

(Reference is to SB 42 as printed January 11, 2008.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 43

Senator Gard called up Senate Bill 43 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 43-1)

Madam President: I move that Senate Bill 43 be amended to read as follows:

Page 4, delete lines 33 through 39, begin a new paragraph and insert:

"(g) In providing grants and loans under subsection (a)(5), the department shall:

(1) consider electronic waste projects; and

(2) consider technologies for the conversion of waste tires into energy or another useful product only if the balance in the waste tire management fund is insufficient, as determined by the commissioner, to remove and dispose of one-half (1/2) of the total number of waste tires located at tire sites in Indiana that are not certified under IC 13-20-13-3."

(Reference is to SB 43 as printed January 17, 2008.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 56

Senator Waltz called up Senate Bill 56 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 56-1)

Madam President: I move that Senate Bill 56 be amended to read as follows:

Page 1, delete lines 12 through 16.

Page 1, line 17, delete "Sec. 3." and insert "**Sec. 2.**".

Page 2, line 5, delete "Sec. 4." and insert "**Sec. 3.**".

Page 2, between lines 7 and 8, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "service related death" means the death of a member as a result of the member's service in the armed forces of the United States or the National Guard."

Page 2, line 14, delete "combat" and insert "**service related**".

Page 2, line 16, delete "combat" and insert "**service related**".

(Reference is to SB 56 as printed January 15, 2008.)

BREAUX

Motion prevailed. The bill was ordered engrossed.

Senate Bill 114

Senator Drozda called up Senate Bill 114 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 114-8)

Madam President: I move that Senate Bill 114 be amended to read as follows:

Page 20, line 4, delete "ten (10)" and insert "**five (5)**".

Page 30, line 5, delete "15" and insert "**14**".

Page 30, line 5, delete "17, 18," and insert "**16, 17, 19,**".

(Reference is to SB 114 as printed January 18, 2008.)

DROZDA

Motion prevailed.

SENATE MOTION
(Amendment 114-10)

Madam President: I move that Senate Bill 114 be amended to read as follows:

Page 20, line 34, delete "three (3) months" and insert "**sixty (60) days**".

Page 20, line 35, after "approved" insert ".".

Page 20, delete lines 36 through 42.

Page 21, line 1, delete "A:" and insert "**If the fiscal plan is disapproved, the city or town**".

Page 21, delete lines 2 through 3.

Page 21, run in lines 1 through 4.

Page 21, line 11, delete "denial" and insert "**disapproval**".

Page 21, line 12, delete "denial" and insert "**disapproval**".

Page 21, line 15, delete "petition is denied," and insert "**fiscal plan is disapproved,**".

(Reference is to SB 114 as printed January 18, 2008.)

BRODEN

Motion prevailed.

SENATE MOTION
(Amendment 114-11)

Madam President: I move that Senate Bill 114 be amended to read as follows:

Page 20, line 17, delete ":".

Page 20, line 18, delete "(1)".

Page 20, run in lines 17 through 18.

Page 20, line 20, delete ";" and insert ".".

Page 20, delete lines 21 through 31.

(Reference is to SB 114 as printed January 18, 2008.)

BRODEN

Motion prevailed.

SENATE MOTION
(Amendment 114-4)

Madam President: I move that Senate Bill 114 be amended to read as follows:

Page 14, reset in roman lines 10 through 13.

Page 14, delete lines 14 through 20, begin a new paragraph and insert:

"(d) After January 1, 2009, a seller of property subject to a waiver under this section shall disclose the existence of the waiver under IC 32-21-5."

Page 14, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 4. IC 32-21-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

(A) The foundation.

(B) The mechanical systems.

(C) The roof.

(D) The structure.

(E) The water and sewer systems.

(F) Additions that may require improvements to the sewage disposal system.

(G) Other areas that the Indiana real estate commission determines are appropriate.

(2) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property."

(3) A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner."

(4) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The

commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

(5) Disclosure by the owner, that the owner's and any successor's right to remonstrate against annexation of the property has been waived."

Page 24, line 37, delete "(a) This section applies to a" and insert **"After January 1, 2009, a seller of property that is subject to a waiver of the right of remonstrance against annexation shall disclose the existence of the waiver under IC 32-21-5."**

Page 24, delete lines 38 through 42.

Page 25, delete lines 1 through 6.

Page 29, line 26, reset in roman "and their successors in title".

Page 29, reset in roman lines 28 through 29.

Page 29, line 30, reset in roman "annexation of the area served by the sewage works."

Page 29, line 30, delete "for a period not".

Page 29, delete lines 31 through 36, begin a new paragraph and insert:

"(d) After January 1, 2009, a seller of property that is subject to a waiver of the right of remonstrance against annexation shall disclose the existence of the waiver under IC 32-21-5."

Page 30, delete lines 4 through 6, begin a new paragraph and insert:

"SECTION 23. [EFFECTIVE JULY 1, 2008] SECTIONS 6 through 14 and SECTIONS 16, 17, 19, and 20 of this act apply to annexation ordinances adopted after June 30, 2008."

Renumber all SECTIONS consecutively.

(Reference is to SB 114 as printed January 18, 2008.)

BRODEN

Motion failed.

SENATE MOTION (Amendment 114-12)

Madam President: I move that Engrossed Senate Bill 114 be amended to read as follows:

Page 23, line 37, reset in roman "subsections (d) and (e),".

Page 23, line 37, delete "subsection (d),".

Page 24, reset in roman lines 25 through 34.

Page 26, line 32, after "(D)" insert **"(C)"**.

Page 26, line 33, reset in roman "and, if applicable, clause".

Page 26, line 33, delete "(C)" and insert **"(D)"**.

Page 27, line 11, after "(E)" insert **"(D)"**.

Page 27, line 11, reset in roman "This clause applies only to an annexation in which eighty".

Page 27, reset in roman lines 12 through 17.

(Reference is to SB 114 as printed January 18, 2008.)

BRODEN

Motion failed. The bill was ordered engrossed.

Senate Bill 160

Senator Gard called up Senate Bill 160 for second reading.

The bill was read a second time by title.

SENATE MOTION (Amendment 160-1)

Madam President: I move that Senate Bill 160 be amended to read as follows:

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE UPON PASSAGE] IC 34-11-2-11.5, as added by this act, does not apply to litigation pending on the effective date of this SECTION."

Renumber all SECTIONS consecutively.

(Reference is to SB 160 as printed January 17, 2008.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 176

Senator Merritt called up Senate Bill 176 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 176-1)

Madam President: I move that Senate Bill 176 be amended to read as follows:

Page 5, line 8, delete "structural" and insert **"registered professional"**.

Page 6, between lines 21 and 22, begin a new line block indented and insert:

"(4) Upon request by county officials, review and provide recommendations on engineering plans for courthouse related projects."

Page 6, line 22, delete "(4)" and insert **"(5)"**.

Page 6, line 24, delete "(5)" and insert **"(6)"**.

Page 6, line 27, delete "(6)" and insert **"(7)"**.

Page 6, line 30, delete "(7)" and insert **"(8)"**.

Page 6, line 32, delete "(8)" and insert **"(9)"**.

Page 6, line 33, delete "(9)" and insert **"(10)"**.

Page 6, line 36, delete "(10)" and insert **"(11)"**.

(Reference is to SB 176 as printed January 18, 2008.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Senate Bill 198

Senator Paul called up Senate Bill 198 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 199

Senator Gard called up Senate Bill 199 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 199-1)

Madam President: I move that Senate Bill 199 be amended to read as follows:

Page 2, delete lines 28 through 41, begin a new paragraph and

insert:"

(d) Notwithstanding IC 35-50-3-3:

- (1) the court shall order a person convicted under subsection (a) to pay a fine of at least five thousand dollars (\$5,000) per day for each violation and not more than twenty-five thousand dollars (\$25,000) per day for each violation; and
- (2) the person is not subject to imprisonment for the crime.

(e) Notwithstanding IC 35-50-2-6(a) or IC 35-50-2-7(a):

- (1) the court shall order a person convicted under subsection (b) to pay:
 - (A) a fine of at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) for each day of violation; or
 - (B) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of at least five thousand dollars (\$5,000) and not more than one hundred thousand dollars (\$100,000) for each day of violation; and
- (2) the person is not subject to imprisonment for the crime."

Page 3, delete lines 39 through 42, begin a new paragraph and insert:

(i) Notwithstanding IC 35-50-3-4:

- (1) the court shall order a person convicted under subsection (f) to pay a fine of at least five thousand dollars (\$5,000) per day for each violation and not more than twenty-five thousand dollars (\$25,000) per day for each violation; and
- (2) the person is not subject to imprisonment for the crime.

(j) Notwithstanding IC 35-50-2-6(a) or IC 35-50-2-7(a):

- (1) the court shall order a person convicted under subsection (g) to pay:
 - (A) a fine of at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) for each day of violation; or
 - (B) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of at least five thousand dollars (\$5,000) and not more than one hundred thousand dollars (\$100,000) for each day of violation; and
- (2) the person is not subject to imprisonment for the crime."

Page 4, delete lines 1 through 10.

Page 5, delete lines 13 through 31, begin a new paragraph and insert:

"(n) Notwithstanding IC 35-50-3-4:

- (1) the court shall order a person convicted under subsection (k)(1), (k)(2), or (k)(3) to pay a fine of at least five thousand dollars (\$5,000) a day for each violation and not more than twenty-five thousand dollars (\$25,000) a day for each violation; and
- (2) the person is not subject to imprisonment for the crime.

(o) Notwithstanding IC 35-50-3-4:

- (1) the court shall order a person convicted under

subsection (k)(4) to pay a fine of at least five thousand dollars (\$5,000) for each instance of violation and not more than ten thousand dollars (\$10,000) for each instance of violation; and

(2) the person is not subject to imprisonment for the crime.

(p) Notwithstanding IC 35-50-2-6(a) or IC 35-50-2-7(a):

(1) the court shall order a person convicted under subsection (l) to pay:

(A) a fine of at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) for each day of violation; or

(B) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of at least five thousand dollars (\$5,000) and not more than one hundred thousand dollars (\$100,000) for each day of violation; and

(2) the person is not subject to imprisonment for the crime."

(Reference is to SB 199 as printed January 17, 2008.)

BRAY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 200

Senator Gard called up Senate Bill 200 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 200-1)

Madam President: I move that Senate Bill 200 be amended to read as follows:

Page 11, line 21, delete "The" and insert "(a) Subject to subsection (b), the".

Page 11, between lines 39 and 40, begin a new paragraph and insert:

"(b) The combined amount of payments described in subsection (a)(4) and (a)(5) from the underground petroleum storage tank excess liability trust fund in a state fiscal year may not exceed ten percent (10%) of the fund income in the immediately preceding state fiscal year."

(Reference is to SB 200 as printed January 17, 2008.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 262

Senator Hume called up Senate Bill 262 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 262-1)

Madam President: I move that Senate Bill 262 be amended to read as follows:

Page 2, after line 4, begin a new paragraph and insert:

"(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal

settlement. However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons."

(Reference is to SB 262 as printed January 18, 2008.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 303

Senator Waterman called up Senate Bill 303 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 3

Senator Drozda called up Engrossed Senate Bill 3 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Roll Call 37: yeas 24, nays 24. The bill was declared failed for lack of a constitutional majority.

Engrossed Senate Bill 10

Senator Steele called up Engrossed Senate Bill 10 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 38: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Foley.

Engrossed Senate Bill 14

Senator Boots called up Engrossed Senate Bill 14 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 39: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Battles and Thompson.

Engrossed Senate Bill 15

Senator Meeks called up Engrossed Senate Bill 15 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 40: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Crawford and Espich.

Engrossed Senate Bill 33

Senator M. Young called up Engrossed Senate Bill 33 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 41: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Niezgodski and Buell.

Engrossed Senate Bill 46

Senator Gard called up Engrossed Senate Bill 46 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 42: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dvorak and Wolkins.

Engrossed Senate Bill 51

Senator Weatherwax called up Engrossed Senate Bill 51 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 43: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Niezgodski and Buell.

Engrossed Senate Bill 78

Senator Zakas called up Engrossed Senate Bill 78 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate and trusts.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 44: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Van Haaften and Foley.

Engrossed Senate Bill 83

Senator Wyss called up Engrossed Senate Bill 83 for third reading:

A BILL FOR AN ACT concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 45: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Tincher and Buck.

Engrossed Senate Bill 84

Senator Steele called up Engrossed Senate Bill 84 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 46: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Foley.

Engrossed Senate Bill 89

Senator Lawson called up Engrossed Senate Bill 89 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 47: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Grubb, Austin, T. Harris, and Borror.

SENATE MOTION

Madam President: I move that Senator Sipes be added as coauthor of Engrossed Senate Bill 51.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 267.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Paul be added as coauthor of Engrossed Senate Bill 89.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 14.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be removed as coauthor of Engrossed Senate Bill 231.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as second author of Engrossed Senate Bill 231.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as coauthor of Engrossed Senate Bill 221.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Engrossed Senate Bill 221.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be removed as second author of Engrossed Senate Bill 89.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as second author, Senator M. Young be added as third author, and Senators Zakas, Steele, and Drozda be added as coauthors of Engrossed Senate Bill 89.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Senate Bill 262.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller and Mishler be added as coauthors of Senate Bill 335.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting and Miller be added as coauthors of Senate Resolution 2.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mishler and M. Young be added as coauthors of Senate Joint Resolution 5.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 303.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Nugent, Waterman, Hershman, Paul, Walker, Zakas, R. Young, Deig, Hume, and Lewis be added as coauthors of Senate Bill 123.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 147.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be removed as coauthor of Senate Bill 335.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Smith be added as coauthors of Senate Bill 100.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume, Nugent, and Waterman be added as coauthors of Senate Joint Resolution 10.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 105.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Engrossed Senate Bill 304.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane, Lubbers, and Zakas be added as coauthors of Senate Bill 27.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 219.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Engrossed Senate Bill 163.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Senate Bill 269.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Deig, Hume, and Tallian be added as coauthors of Senate Bill 329.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as third author and Senator Simpson be added as coauthor of Senate Bill 107.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Smith, Lubbers, Broden, and Steele be added as coauthors of Senate Bill 91.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Wyss be added as coauthors of Senate Bill 297.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 230.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as third author of Engrossed Senate Bill 149.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse, Deig, and Rogers be added as coauthors of Senate Bill 323.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 312.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume, Mrvan, and Deig be added as coauthors of Senate Bill 315.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as third author of Senate Bill 281.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as third author of Senate Bill 210.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Wyss and Kruse be added as coauthors of Engrossed Senate Bill 207.

WALKER

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1026, 1046, 1115, 1060, 1121, and 1243 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator R. Young be added as second author of Senate Concurrent Resolution 10.

WATERMAN

Motion prevailed.

January 24, 2008

Senate 235

SENATE MOTION

Madam President: I move that Senator R. Young be added as second author of Senate Concurrent Resolution 9.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as second author of Senate Concurrent Resolution 19.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 28, 2008.

LONG

Motion prevailed.

The Senate adjourned at 5:39 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate